



# भारत का राजपत्र

## The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 35]

नई दिल्ली, शनिवार, सितम्बर 1, 1973/भाद्र 10, 1895

No. 35]

NEW DELHI, SATURDAY, SEPTEMBER 1, 1973/BHADRA 10, 1895

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this part in order that it may be filed as a separate compilation

### भाग II—खण्ड 3—उप-खण्ड (ii)

### PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)

केंद्रीय प्राधिकारियों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएं

Statutory orders and notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence) by Central Authorities  
(other than the Administration of Union Territories)

मंत्रिमंडल सचिवालय

(कार्मिक और प्रशासनिक सुधार विभाग)

नई दिल्ली, 16 अगस्त, 1973

CABINET SECRETARIAT

(Department of Personnel &amp; Administrative Reforms)

New Delhi, the 16th August, 1973

का० भा० 2455.—दण्ड प्रक्रिया संहिता, 1898 (1898 का 5) की धारा 492 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, विशेष न्यायाधीश के न्यायालय, पुरी (उड़ीसा) में मामला आर०सी०-9/ई० ओ० डब्लू/65-कलकत्ता, हरीबन्धुदास बनाम राज्य के अभियुक्त के अभियोजन का संचालन करने के लिए श्री बी० बी० ग्य, अधिवक्ता, को लोक-अभियोजक नियुक्त करती है।

[संख्या 225/56/73-ए. बी. डी. (2)]

बी० सी० वनजानी, अध्वर सचिव

S.O. 2455.—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri B. B. Rath, Advocate, as Public Prosecutor for conducting the prosecution of the accused, in case R.C. 9/EOW/65-Calcutta (Criminal Appeal No. 47/73) Hadibandhu Das Vrs State in the Court of Special Judge, Puri (Orissa).

[No. 225/56/73-AYD. II.]

B. C. VANJANI, Under Secy.

(2897)

## भारत निर्वाचन आयोग

## आदेश

नई दिल्ली, 26 जुलाई, 1973

का० प्रा० 2456.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 166-बाममथ निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कटनेश्वरकार विश्वनाथ राव, पोश्ना बाममथ, ताल्लुक, बाममथ, जिला परभानी (महाराष्ट्र) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कटनेश्वरकार विश्वनाथ राव को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० महा.-वि०स०/166/72(38)]

## ELECTION COMMISSION OF INDIA

## ORDER

New Delhi, the 26th July, 1973

S.O. 2456.—Whereas the Election Commission is satisfied that Shri Katneshwarkar Vishwanath Rao, Post Office Basmath, Taluka Basmath, District Parbhani (Maharashtra), a contesting candidate in the general election held in March, 1972, to the Maharashtra Legislative Assembly from 166-Basmath constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Katneshwarkar Vishwanath Rao to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/166/72(38)]

## आदेश

का० प्रा० 2457.—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 141-माडचिरोली निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सेदमाके काशीनाथ बिसन, स्थान पुलखल, पो० कनेरी, तहसील माडचिरोली, जिला चन्द्रपुर (महाराष्ट्र) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया

है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सेदमाके काशीनाथ बिसन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० महा.-वि०स०/141/72(39)]

## ORDER

S.O. 2456.—Whereas the Election Commission is satisfied that Shri Sedmake Kashinath Bisan, At Pulkhal, Post Kaneri, Tahsil Gadchiroli, District Chandrapur (Maharashtra), a contesting candidate in the general election held in March, 1972, to the Maharashtra Legislative Assembly from 141-Gadchiroli constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no reason or justification for such failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the said Shri Sedmake Kashinath Bisan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/141/72(39)]

## आदेश

नई दिल्ली, 28 जुलाई, 1973

का० प्रा० 2458.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 194-परेंडा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री परशु रंगनाथ अन्धारे, कांदलगांव, पो० जावला (न), तहसील परेंडा जिला उस्मानाबाद (महाराष्ट्र) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार द्वारा दिये गये प्रभ्यावेदन पर विचार करने के पश्चात्, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री परशु रंगनाथ अन्धारे को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० महा.-वि०स०/194/72(40)]

वी० नागसुब्रमण्यन, सचिव

## ORDER

New Delhi, the 28th July, 1973

**S.O. 2458.**—Whereas the Election Commission is satisfied that Shri Parsu Ramnath Andhare, At Kandalgaoon, Post Javla (N), Taluka Parenda, District Osmanabad, (Maharashtra), a contesting candidate in the general election held in March, 1972, to the Maharashtra Legislative Assembly from 194-Parenda constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951( and the Rules made thereunder;

And whereas after considering the representation made by the said candidate, the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Parsu Rangnath Andhare to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/194/72(40)]

New Delhi, the 16th August, 1973

**S.O. 2459.**—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order dated 10 April, 1973 of the High Court of Punjab and Haryana in Election Petition No. 1 of 1971.

# IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

\*Original Side

No. E. P. 1/71

Election Petition No. 1 of 1971

Recrimination Petition No. 1 of 1971

S. Iqbal Singh son of S. Rattan Singh, Resident of Street No. 14, Abohar, District Ferozepore. **Petitioner.**

## VERSUS

1. S. Gurdas Singh S/o S. Raghuraj Singh, Jat, resident of village Badal, Post Office Badal, Tehsil Muktsar, District Ferozepore ;
2. Shri Hanuman Dass, resident of Street No. 6, Abohar, District Ferozepore;
3. Shri Thandu Ram, resident of Arya Nagar, Abohar, District Ferozepore;
4. Shri Doonger resident of V. & P. O. Jhummiunwalli, Tehsil Fazilka, District Ferozepore;
5. Shri Pirthi Raj, resident of House No. 1357, Street No. 7, Abohar District Ferozepore;
6. Shri Bagrawat, resident of V. & P.O. Mehirana, Mehirajpura, Tehsil Fazilka, District Ferozepore;
7. Shri Yogi Raj Surya Dev, resident of House No. 3222, Street Shri Charandass Ji, Quazi Hauz, Delhi-6;
8. S. Parkash Singh Badal, Chief Minister, Punjab, Chandigarh.
9. Shri A. S. Pooni, I.A.S., Deputy Commissioner, Ferozepore, I-Fazilka, Ferozepore (Names of Respondents 8 and 9 struck off vide order dated 3-11-1971 passed by the Full Bench).

**Respondents**

## Recrimination Petition No. 1 of 1971

S. Gurdas Singh son of S. Raghuraj Singh Jat, resident of village Badal, Post Office Baday, Tehsil Muktsar, District, Ferozepore.

**Petitioner**

## VERSUS

1. S. Iqbal Singh son of S. Rattan Singh, resident of Street No. 14, Abohar District, Ferozepore;
2. Shri Hanuman Dass, resident of Street No. 6, Abohar District, Ferozepore;
3. Shri Thandu Ram, resident of Arya Nagar, Abohar District, Ferozepore;
4. Shri Doonger resident of village & P. O. Jhimmiunwalli Tehsil Fazilka, District Ferozepore;
5. Shri Pirthi Raj, resident of House No. 1357, Street No. 7 Abohar, District Ferozepore.
6. Shri Bagrawat, resident of V. & P. O. Maheranna Mahirajpura Tehsil Fazilka, District Ferozepore ;
7. Shri Yogi Raj Surya Dev, resident of House No. 3222, Street Shri Charan Dass Ji, Quazi Hauz, Delhi-6.

**Respondents.**

Election Petition No. 1 of 1971 :

Petition under Sections 80/80A and 81 of the Representation of People Act read with the Rules of the High Court of Punjab and Haryana praying that the election of respondent No. 1 from Parliament Constituency-I Fazilka held on 5th March, 1971, be declared void and the petitioner be declared to have been duly elected under Section 101 of the Representation of People Act and further praying that in accordance with provision of section 8A S. Gurdas Singh Badal be disqualified for corrupt practice for a period of six years and also praying that in accordance with the provision of section 99 of the Representation of People Act. S. Parkash Singh Badal Respondent No. 8 be held to have been guilty of corrupt practices, and be disqualified for period of six years as enjoined by Section 8A of the Representation of Peoples Act.

Recrimination Petition No. 1

Application under Section 97 of the Representation of People Act on behalf of Shri Gurdas Singh Badal, praying that Recrimination Petition be placed on record and necessary notice be issued to S. Iqbal Singh in accordance with law and his election be declared void.

Dated the 10th April, 1973

## Present:

The Hon'ble Mr. Justice D. K. Mahajan.

**For the Petitioner**—Mr. A. K. Sen, Sr. Advocate (M/s. G. R. Majithia, K. P. Bhandari, S. B. Lall, Rajesh Chowdhri, Advocates with him).

**For the Respondents**—Mr. H. L. Sibal, Sr. Advocate (M/s. S. S. Kang, Narotam Singh and S. C. Sibal, Advocates with him).

## JUDGMENT

Shri Iqbal Singh was defeated by the respondent Shri Gurdas Singh Badal by a margin of 5323 votes. There were eight candidates for the Fazilka Parliamentary constituency (Lok Sabha) for the elections held in February/March, 1971. This Parliamentary constituency consisted of eight segments of the Assembly constituencies, namely Malout, Muktsar, Gidderbaha, Fazilka, Jallalabad, Abohar, Lambi and Faridkot. Shri Iqbal Singh petitioner contested on the Indian National Congress ticket led by Shri Jagjitvan Ram. The returned candidate was a nominee of the Akali Party (Sant Group). The remaining six candidates, namely Shri Hanuman Dass, Shri Thandu Ram, Shri Dongar, Shri Pirthi Raj, Shri Bagrawat and Shri Yogiraj Surya Dev were independent candidates.

The polling of votes took place on 5th March, 1971. The results was declared on 12th March, 1971.

The present petition was filed by Shri Iqbal Singh on the 26th of April, 1971. This petition has been filed to call in question the election of the returned candidate. He and the remaining six independent candidates have been impleaded as respondents. Shri Parkash Singh Badal, Chief Minister, Punjab, and Shri A. S. Pooni, J.A.S., Deputy Commissioner, Ferozepore, were also made parties to the petition. However, their names were struck off by the order of the Full Bench dated 3rd of November, 1971.

The main pleas on which the petition has been grounded are:—

1. That 15000 votes were cast on invalid ballot-papers. These ballot-papers were invalid because they did not either bear the signature of the Presiding Officer or the mark of identification of the polling station. Mainly on this basis, a recount is claimed. However, it has been alleged that there were many irregularities in the Counting and the votes polled for the petitioner had been wrongly counted for the returned candidate.
2. That the returned candidate is guilty of the following corrupt practices:—
  - (a) that his brother was the Chief Minister of Punjab. His position and office were used to bribe the electors. The bribe took the shape of:
    - (i) grant of gun licences, and
    - (ii) the distribution of discretionary grant for the construction or repair of Harijan Dharmshalas,
  - (b) that the services of the Government servants were utilised to further the prospects of the returned candidate's election,
  - (c) that a section of the electors was prevented from casting their votes by the returned candidate.
  - (d) that bus routes were sanctioned without following the procedure prescribed in the Motor Vehicles Act in order to allure the electors to vote for the returned candidate and soon after the elections were over, the operation on these routes stopped.
3. That the nomination papers of Shri Bagarawat, were wrongly accepted and that has materially affected the result of the election.
4. That the election was not fairly and properly conducted according to the Rules.

The petitioner claimed that the election of the returned candidate be set aside and he be declared elected in his place.

All these allegations have been controverted by the returned candidate. He has also filed a recriminatory petition.

On the pleadings of the parties, the following issues were framed:—

- "1. Whether the respondent No. 1 is guilty of corrupt practices specified in paras 19, 20, 22, 23 and 26 to 29 of the election petition as amended? If so, what is the effect?
2. Whether the respondent No. 1 procured the assistance of Government servants to further his prospects in the election? If so, with what effect?
3. Whether the petitioner is entitled to the scrutiny of the ballot-papers alleged to have been illegally rejected and those of the respondent alleged to have been illegally accepted and on that account is entitled to a re-count?
4. Whether 15000 ballot-papers were invalid and were wrongly polled and counted? If so, with what effect?
5. Whether the nomination paper of Mr. Bhagrawat was wrongly accepted by the returning officer and if so, what is its effect?

6. Whether the allegations made in para 7 of the petition are correct, and if so, what is the effect?

7. In case issues 1 to 6 are found in favour of the petitioner and the election of respondent No. 1 is declared void, whether the petitioner can be declared as a duly returned candidate?"

So far as the second, third, fifth and the sixth issues are concerned, they were not pressed. In fact, no arguments at all were addressed on them. I, therefore, decide all these issues against the petitioner.

The main issues which have been agitated before me are Nos. 1 and 4. I will first take up the fourth issue

#### ISSUE No. 4

In paragraph 6 of the petition it is stated:—

"That at a very conservative estimate, at least 15000 ballot-papers invalid and void—which should have been rejected under Rule 56—were wrongly counted as valid votes in favour of the returned candidate. The ballot-papers so counted included (i) spurious ballot papers, (ii) ballot papers bearing serial numbers not authorised for use at the particular polling stations, (iii) ballot papers not bearing both the mark and the signatures of the Presiding Officers which these should have borne under the provision of sub-rule 1 of rule 38."

In paragraph 4 of the recriminatory petition, the returned candidate stated:—

"Some of these ballots do not bear the signatures of the Presiding Officer. Some of them are not correctly marked. All such votes should have been excluded from the votes stated to have been polled by Shri Iqbal Singh respondent No. 1."

In the telegram Exhibit P.W. 2/28, dated 12-3-1971 addressed to the Chief Election Commissioner, New Delhi, it is stated:—

"More than fifteen thousand ballot papers do not bear signatures of Presiding Officer or Polling Officer or Polling Station and Booth number and are still being counted."

Exhibit P.W. 84/1 is the application that was made on 12-3-1971 to the Returning Officer, Fazilka Parliamentary constituency, Ferozepore, requiring a recount, wherein it is stated:—

"That some of the ballot papers do not bear the official stamps on their back as provided by rules. Those seem to be smuggled illegally and such votes were not cast actually by any of the voters which are in thousands. That some of the ballot papers do bear the signatures of the Presiding Officers on the back of the ballot papers, as provided by rules which are also in thousands and even more than five thousands."

Only oral evidence has been led with regard to this matter. P. W. 32 Gurmit Singh stated:—

"I saw that some ballot-papers did not bear the signature of the presiding officer of the polling station. There were other ballot-papers on which there was no identification mark as well as the Constituency mark. There were ballot-papers which did not bear either the signature or the identification mark. . . . At my table about 375 ballot-papers did not either bear the signature of the presiding officer or the identification mark or both. I complained to the Supervisor to sort out such ballot-papers. He refused to do so on the ground that it was not his job and it was Assistant Returning Officer's job. . . . I made a report regarding the aforesaid 4000 ballot-papers to S. Iqbal Singh. I do not know what transpired between the petitioner and the A.R.O. About 5000 ballot-papers were counted at my table and out of them about 375 were the type on which there was no signature of the presiding officer or the mark of the polling station or both."



In cross-examination, he stated :—

"At the very beginning, I told Dr. Baldev Raj about the 375 ballot-papers . . . In my presence Dr. Baldev Raj did not make any complaint about this matter to the A.R.O. . . . At the total counting our chief representative was Dr. Baldev Raj. In my presence, Dr. Baldev Raj took up the matter with the A.R.O. about 4000 ballot-papers. He did not give the objection in writing to the A.R.O. I cannot state why he did not do so. I did not ask Dr. Baldev Raj to give this objection in writing to the A.R.O."

The Observer came to the counting station on that day. I mentioned this matter about 4000 ballot-papers to the Observer. . . . I had maintained an account at the counting station of such ballot-papers. Either I lost that account paper or I tore it off. I orally told the Observer about such ballot-papers. I and Dr. Baldev Raj told the Observer about this matter. No written complaint was made to the Observer by Dr. Baldev Raj."

P. W. 33 Kishan Chand stated:—

"At the time of the scrutiny the ballot-papers which did not bear the signature of the Presiding Officer or the identification mark of the Polling Station or both, were not separated in spite of my objection . . . I informed Mr. Chugh as well as the Assistant Returning Officer that there were certain ballot-papers which did not bear the signature of the Returning Officer or the distinct mark of the polling station or both and that such ballot-papers were being counted . . . 350/400 ballot papers were of the type about which I have mentioned whose reverse side did not disclose any mark of identification."

In cross-examination he stated :—

"I told the petitioner about the ballot-papers which were defective at my table and also the fact that the objection had been raised at the start of the counting and the Assistant Returning Officer had said that this would be decided when the counting starts and when we objected when the counting started, he put off by saying that the objection could only be settled by the Returning Officer. I do not know if the matter had been taken up by the petitioner with the Assistant Returning Officer. I did not make complaint in writing to the Assistant Returning Officer. . . . When the Observer came I did not know the exact number of such defective ballot papers. When we came out of the counting station, it is only then we discovered that 2400/2500 defective ballot papers had been counted. The totalling was done orally. I did not maintain the account of the defective ballot papers. It was merely an estimate."

P.W. 34 Mukhtiar Singh stated :—

"The ballot-papers which did not bear the signature of the presiding officer or which lacked the mark of identification of polling booth or both, were not separated. . . . I had objected to the ballot-papers which did not bear any mark of identification at its reverse side but I was then told that this matter will be decided at the time of counting. At the counting when the objection was raised, the A.R.O. said that he had no power to decide this matter and only the Returning Officer could decide. According to my opinion, about 250 such ballot-papers were of the kind which had no mark of identification at their back. About 2000 were such ballot-papers in that counting station."

In cross-examination he stated :—

"I kept on noting the number of ballot papers which had no mark of identification on their reverse, or which did not bear the signature of the Presiding Officer or the mark of the polling station, on a slip of paper. In the end I totalled up and that is how I arrived at the figure of 250. I thereafter

tore off that slip. All the counting agents had kept such slips and at the end of the counting they told me from the slips maintained by them how many such ballot-papers were counted at their respective tables. I then totalled up what they told me and that is how the total number came to 2000 . . . I made a written complaint to the Assistant Returning Officer but he refused to take it. That complaint remained with me and I tore it off. . . . No written complaint was made by any of the counting agents because I told them that the written complaint made by me had not been accepted. All the other counting agents gave their slips to me which I had asked them to maintain. I counted them and gave the total to S. Iqbal Singh. I destroyed those slips."

P. W. 35 Madan Lal Chugh stated that:

"Certain ballot-papers did not have the identification marks of the polling station or the signature of the polling officer or that they were totally blank. The agent showed me such ballot papers. About two thousand ballot papers were such

In cross-examination, he stated:—

"The counting agents gave approximate number of such ballot papers at their counting tables and again they came to the dais and told me the approximate number of such invalid ballot papers. I noted about what they had said. I totalled the number of defective ballot papers. I gave the total number of such ballot papers to the petitioner . . . I gave my objections to the Assistant Returning Officer, in writing, and he refused to receive them. I gave a written complaint at about 1 P.M. I handed over that complaint to the candidate . . . I had approximately complete information about the said 2000 ballot papers . . . I showed the complaint, which I had made to the Assistant Returning Officer, to the Observer, and I told him that the Assistant Returning Officer had refused to take this complaint. The Observer did not bother about the fact and stated that he would decide this matter when the result was to be declared . . . I showed the complaint to the petitioner which I had made to the Assistant Returning Officer and told him that he had refused to take it. I, however, handed over the complaint to him in the evening. I also told him that Mr. Sharma had refused to take the complaint."

P.W. 36 Shri Chand Ram Verma, in his examination-in-chief, deposed in a similar strain. He, however, put the number of such invalid votes at 3000. He stated :—

"Nobody could say in which bundle the defective ballot papers were. The Observer took out one bundle and he said there were 2/3 such ballot-papers. He was asked to examine the remaining bundles but he did not bother to do so. He said this was a minor error. Many bundles contained 5 to 10 such defective ballot papers."

There is no firm basis given by him for the figure he has mentioned. Mainly, his testimony is as to what led to the final application for a recount. In cross-examination, he admitted that whatever the agents told him he noted down in his diary. He had not his diary with him. He was not even sure whether that diary had been destroyed. No written complaint was made to any officer. The complaints were all verbal. No written complaint was made to the Observer. In fact, no written complaint was ever made. A suggestion was also thrown in that he being a Congress-man, was going out of his way to support the Congress candidate.

P.W.37 is Shri Nand Lal Soni Advocate of Fazilka. According to his estimate, 300 to 400 were such ballot papers which had not the mark of identification of the polling station or the signature of the presiding officer. At his counting table he only observed 200/250 such ballot-papers. In cross-examination, he admitted that he maintained no record of the ballot papers which did not bear the signature of the Presiding Officer or the identification work of the polling station. He had no record as to who gave him the information about such ballot papers and

their number. He made no written complaint to any officer. He himself did not see any such defective ballot papers but the counting agents told him about them. He was specifically put a question that being a lawyer why he did not put in a written complaint, and his answer was that he could give no reason for such a conduct.

P.W. 38 Dr. Baldev Raj, a Congress worker, stated that:—

"The counting agents working under me noted down and reported to me that certain ballot papers were not signed by the Presiding Officer or did not bear the mark of identification of the polling station or both. I passed on the complaint to the Assistant Returning Officer. I did this orally and not in writing. I also requested him to separate such ballot papers. Such ballot papers were not separated."

According to his estimate, such ballot papers were 3500 to 4000. In cross-examination, he stated that:

"Immediately after the counting I passed on this information to the petitioner. . . . At no stage I gave any complaint in writing to the A.R.O."

A verbal complaint was made by him to the Observer who, according to him, gave an evasive reply.

P.W. 42 Shri Mehar Singh, ex-M.L.A. stated that:—

"There were certain ballot papers which had not the signature of the presiding officer or the mark of identification of the polling station or both. I mentioned this to the A.R.O. who said that this matter can be sorted out later. I insisted that the ballot papers which did not bear the signature of the presiding officer or the mark of identification of the polling station or both should be sorted out. Such ballot papers were not sorted out."

According to his estimate, they were about 2000. In cross-examination, he admitted that he did not mention what he stated in Court to the petitioner when he met him outside the counting hall, and soon he took a somersault and said that he stated about this matter to the petitioner outside the counting hall. No written complaint was made about this matter to the Assistant Returning Officer. Only oral complaint was made. No complaint was made to the Observer. It is significant that this witness was cited merely to prove about the corrupt practices and not about the matter relating to counting.

P.W. 62 Shri Harbhajan Singh Sodhi, Naib Tehsildar, stated that Dr. Baldev Raj was the counting in-charge on behalf of the petitioner and he was sitting on the dais with the Assistant Returning Officer. Mr. G. S. Chadha was the counting in-charge on behalf of the petitioner when the ballot papers of Giderbaha segment were counted. He stated:—

"At the table of Assistant Returning Officer there used to be complaints that ballot papers which had no signature of the Presiding Officer or the identification mark of the polling station or both, were not being separated for the purpose of scrutiny by the Assistant Returning Officer".

In cross-examination, he stated that "Dr. Baldev Raj and G.S. Chadha used to talk to me off and on but they had no discussion with me regarding the defective ballot papers." It may be mentioned that this witness was called to prove the ballot paper account of village Daula which was prepared during the time of counting.

P.W. 63 Shri Ram Lal, Executive Magistrate, Ludhiana, who was the Assistant Returning Officer of the Lambi segment stated that:—

"The ballot papers which did not bear the signatures of the Presiding Officer or the distinguishing mark of the polling station or both were objected to before me by the agents of both the candidates. Such ballot papers were separated and brought for my decision. I did not reject any such ballot paper because I considered them to be genuine. I cannot give the number of such ballot

papers . . . they could not be more than two hundred."

In cross-examination, he stated that:—

"The Observer satisfied himself that the objected to two papers were genuine. The objection was on the ground that the ballot papers did not bear the signature of the Presiding Officer or the identification mark of the polling station . . . The check of the serial number alone is sufficient to say whether the ballot paper is genuine or not. The serial number was on every objected to ballot paper and it fitted with the serial numbers of the ballot papers. It was in the proper serial order with the remaining ballot papers. We satisfy ourselves that the ballot paper which bears the serial number is in the series of the ballot papers issued to the polling station."

P.W. 64 Shri B. D. Aggarwal, Assistant Returning Officer, Malout, stated:—

"There was no ballot-paper which did not have the signature of the presiding officer or the identification mark of the polling station, as far as I remember. No such paper was objected to and brought before me for being rejected."

In cross-examination, he stated:—

"It is true that no objection on the scope that the ballot-papers did not bear the signature of the presiding officer or the mark of identification of the polling station was ever made before me by any party . . ."

P.W. 65 Shri R. D. Sayal, who was Assistant Returning Officer of Muktsar and Gidderbaha segments, stated:—

"During the poll I went to one polling station in Muktsar. That was in a school, and I discovered that the ballot-papers were being distributed to the electors without the signatures of the presiding officer. I told him that this was against the rules and he should sign the ballot papers before distributing them and I recorded a note to that effect. No complaint was made to me that there were any ballot papers which did not bear the signatures of the presiding officer or the mark of the polling station or both. When I checked the ballot papers no such ballot paper came to my notice. Mr. Sharma, who was sent as Observer by the Election Commissioner told us that any ballot paper which had no signature of the Presiding officer or the distinguishing mark of the polling station, was not invalid. It was merely an irregularity. I did make a test check of the ballot papers even for this purpose, but in the packets that came to me, no such ballot paper was discovered. All ballot papers that were counted at the counting tables were sent to my table and out of those ballot papers I made the check . . . No objection was raised by anybody regarding these ballot papers."

P.W. 68 Shri O. P. Garg, Deputy Director Local Government, who was at that time Sub-Divisional Magistrate, Faridkot, stated:—

"No ballot papers came to my notice on which there were no signature of the Presiding Officer or the distinguishing mark of the polling station or both. No such papers were separated by counting staff or shown to me. I was required according to the rules to examine such papers, if any, and give my verdict to their genuineness. I gave no verdict on any such type of papers because none was produced before me or came to my notice."

P.W. 90 Gurpartap Singh Chanda, the over-all in-charge of the election campaign of the petitioner, stated:—

"No ballot-paper which did not have the distinguishing mark of the polling station or the signature of the presiding officer was sorted out for scrutiny. I wanted such ballot papers to be taken out for scrutiny. I was sitting on the dais with the Assistant Returning Officer . . . I brought this fact to the notice of the Assistant Returning Officer. Mr. Aggarwal examined those ballot papers and after

that he overruled my objection as the ballots had the serial numbers. Mr. Aggarwal then told me that the bundles may be formed as he was not competent to decide this objection and it will be decided by the Returning Officer. He announced on the loud-speaker that such ballot papers should not be excluded. Round-about 3000 were such ballot papers according to my estimate and the estimate of my co-counting agents. This estimate was made after the counting was over ... This objection was brought to his (Observer's) notice. He said that he had already settled this objection at Abohar during the counting of Lambi segment and such ballot papers were to be treated as valid...

About 4500 or 4700 were such ballot papers which did not bear the signatures of the presiding officer or the distinguishing marks of the polling stations."

In cross-examination, he stated :—

"I made no written complaint to Mr. Sharma. My complaint to him was verbal. Manmohan Singh, counting agent at Malaut, before the announcement at the loud-speaker by the Assistant Returning Officer, told me that 55 or 56 ballot papers had been tied in bundles, which did not bear the signatures or mark of identification of the polling stations. ... I did not give any written complaint about this matter to the Assistant Returning Officer. No written record was made of such ballot papers. In the evening all the counting agents had met me. Only a rough estimate was made. Similar is my statement with regard to the counting of Gidderbaha segment. The estimate was given to me orally by the counting agents."

The petitioner, as P.W. 102, stated :—

"I had instructed my counting agents to look out for spurious ballot papers polled on the 5th. I also instructed them to see whether the ballot papers had on their reverse the distinguishing mark of the polling station as well as the signatures of the Presiding Officer. ... Gupartap Singh Chadha and Jagsaran Singh gave me information that there were certain ballot papers which did not bear the seal of the polling station or the signatures of the presiding officer, that this fact was brought to the notice of the Assistant Returning Officer and he had said that this could not be scrutinised at that time and it would be done later on. At that time bundling of the ballot papers was in progress. Our counting agents were bringing such ballot papers to the notice of the Assistant Returning Officer. Such ballot papers were not separated. ... I protested to the Assistant Returning Officer at Muktsar that such ballot papers should not be counted. He told me that he was not proper authority to accept my contention that such ballot papers were spurious ballot-papers. He told me to bring this fact to the notice of the Returning Officer. ... The observer also opined that such ballot papers were valid. The Assistant Returning Officers then told me that as the Observer had ruled these ballot as valid, they were valid ballot-papers. Such like ballot papers were about 15,000."

In cross-examination, he stated :—

"My workers orally told me that there were over 15000 ballot papers which had been counted, though they did not bear the signatures of the Presiding Officer or the mark of identification of the polling station. This information was not gathered from any written record. ... I cannot state whether there were any ballot papers bearing serial numbers not authorised for use at the particular polling station. I cannot say whether I have stated in the petition that in 15000 ballot papers there are any ballot papers which have not authorised serial numbers."

When the attention of the witness was drawn to paragraph 6 of the petition, he stated :—

"What I have stated earlier is not correct. What I have stated in the election petition is correct. I

cannot state how many ballot papers were without the authorised serial numbers. Such ballot papers were in the Parliamentary segment of the Gidderbaha constituency. They may be also in the other constituencies. Gurmeet Singh and Baldev Raj my agents gave me this information. This is not from my knowledge."

The attention of the witness was drawn to the verification in the petition, wherein he had stated that the above information was from his knowledge. He replied :

"Because the information was given by my agents, therefore, I stated it was from my knowledge. There may be about 100 such ballot papers. The ballot papers, which did not bear the signatures of the Presiding Officer or the identification mark of the polling station, were spurious ballot papers."

When asked what was the distinction between the spurious ballot papers and the ballot papers which do not bear the mark of the polling station or the signatures of the Presiding Officer, the reply was :—

"Those ballot papers were spurious which had been polled from other places than the ballot papers issued for that polling station and the ballot papers which did not bear the signatures of the Presiding Officer or the mark of identification of the polling station, were invalid ballot papers. The statement now made by me is correct."

I have deliberately culled out the relevant parts of the oral testimony to show that the allegations to the effect that the ballot papers which did not bear the signature of the presiding officer or the mark of identification of the polling station were counted, have been made without any specific material. There can be no denying the fact that there were certain ballot papers which did not either bear the signature of the presiding officer or the mark of identification of the polling station, but how many they were it is not possible to say. Some of the counting agents of the petitioner have stated that they kept a note of such ballot papers and passed them on to the petitioner or his election in-charge, but those notes were either torn or have not been produced. This clearly shows that nobody knew or bothered at the time of counting as to how many were such ballot papers. I am, however, doubtful whether this matter was at all present to the mind of all the counting agents inasmuch as no written complaint to this effect was made. Shri O.P. Garg P.W. 68 is specific that no such complaint was made and I have no reason to doubt his testimony. According to Mr. R.D. Sayal, P.W. 65, there were a few ballot-papers of this kind to which an objection was raised but when the objection was probed into, it was found that they were not invalid ballot papers. It will be proper at this stage to refer to rules 38 and 56 of the Conduct of Election Rules, 1961, which are in the following terms :—

"38. (1) Every ballot paper shall before issue to an elector be.—

- (a) stamped with such distinguishing mark as the Election Commission may direct; and
- (b) signed in full on its back by the Presiding Officer.

(2) At the time of issuing a ballot paper to an elector, the polling officer shall record the serial number thereof against the entry relating to the elector in the marked copy of the electoral roll.

(3) Save as provided in sub-rule (2), no person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.

56. (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2) The returning officer shall reject a ballot paper.—

- (g) if it bears a serial number, or is of a design, different from the serial numbers, or, as the case may be, design of the ballot papers authorised for use at the particular polling station, or
- (h) if it does not bear both the mark and the signature which it should have borne under the provisions of sub-rule (1) of rule 38 :

Provided that where the returning officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a presiding officer or polling Officer, the ballot paper shall not be rejected merely on the ground of such defect :

"Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the returning officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) ... ..

(5) ... ..

(6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote :

.....".

This will show that a ballot paper does not become invalid merely because either the signature of the presiding officer or the mark of identification of the polling station is missing. One cannot lose sight of the fact that there are a large number of electors, as is the case in a Parliamentary seat. In the rush of work, there can be such an omission. In the present case, only at one polling station this omission was noticed by the Assistant Returning Officer, namely Shri R.D. Sayal, P.W. 65, and he made a note of this fact. Nowhere else it was noticed. I am also surprised that no attempt was made to produce any presiding officer of any polling station for the purpose of eliciting that any complaint was made on this score.

In the present case an order was obtained from the Chief Election Commissioner allowing inspection of the ballot papers in terms of rule 93 of the Conduct of Election Rules, 1961. This order was challenged by a petition under Article 226 of the Constitution of India. This Court allowed the petition and quashed the order of the Chief Election Commissioner allowing inspection of the ballot papers. An appeal against this decision was taken to the Supreme Court and their Lordships, while affirming the order of this Court, observed :—

"This will, however, be without prejudice to the right of the appellant to seek an order of inspection of the ballot papers and the electoral rolls used for the Lok Sabha Parliamentary Election of the Fazilka constituency held in March, 1971, and/or any recount in the election petition filed by the appellant challenging the said election and now pending in the Punjab and Haryana High Court in accordance with the law laid down by this Court, in particular, the decision reported in *Jitendra Bahadur Singh v. Krishna Behari*, 1970 (1) SCR 852-AIR 1970 S.C. 276, as also any changes in the provisions of the Representation of the People Act or the Conduct of Election Rules and any directions legally issued by the Chief Election Commissioner, either under the aforesaid Act or the Rules." (See *Iqbal Singh v. G. S. Badal*, AIR 1973 S.C. 581.)

In *Jitendra Bahadur Singh v. Krishna Behari*.—AIR 1970 S.C. 276—1970 (1) SCR 852, it was observed:—

"The basic requirements to be satisfied before an election tribunal can permit the inspection of ballot papers, are (1) that the petition for setting aside the election must contain an adequate statement of the material facts on which the petitioner relies in support of his case and (2) the tribunal must be *prima facie* satisfied that in order to decide the dispute and to do complete justice between the parties, inspection of the ballot papers is necessary. The material facts required to be stated are those facts which can be considered as materials supporting the allegations made. In other words, they must be such facts as to afford a basis for the alle-

gations made in the petition. If an election petitioner in his election petition gives some figures as to the rejection of valid votes and acceptance of invalid votes, the same must not be considered as an adequate statement of material facts when the petitioner has not disclosed in the petition the basis on which he arrived at those figures. His bald assertion that he got those figures from the counting agents of the unsuccessful candidate cannot afford the necessary basis."

In *Smt. Sumitra Devi v. Shri Sheo Shanker Prasad Yadav*, AIR 1973 S.C. 215, it was observed as follows :—

"Where the allegations in the election petition are vague and the petition does not contain an adequate statement of the material facts and the evidence adduced by the petitioner is found unreliable and no definite particulars are also given in the application as to the illegalities alleged to have been committed in the counting of the ballot papers, the application for inspection of ballot papers cannot be allowed. A recount will not be granted as a matter of right but only on the basis of evidence of good grounds for believing that there has been a mistake in the counting. It has to be decided in each case whether a *prima facie* ground has been made out for ordering an inspection."

The learned counsel for the petitioner strongly relied on the decision of the Supreme Court in *Prof. Balraj Modhok v. Shri Shashi Bhusan*, 1972 (2) Supreme Court cases 616. This decision, however, does not in any manner support the petitioner's case.

After carefully considering the contentions advanced on this issue, I have come to the conclusion that the evidence led in the case does not make out a case for allowing inspection of ballot papers to the petitioner. In fact, the evidence led in the case is such that it does not prove anything definite and merely casts insinuations without any foundation. The onus to prove that the ballot papers which had not the mark of identification of the polling station or the signature of the presiding officer were invalid lay on the petitioner and he has singularly failed to discharge that onus.

For the reasons recorded above, I find this issue against the petitioner.

ISSUE NO. 1.

So far as this issue is concerned, the contentions fall under two heads : (a) that illegal gratification by way of grant of gun licenses was offered to the electors to secure their votes, and (b) that illegal gratification by way of cash grants for construction of Dharamshalas or for their repair was made to Harijan voters to secure their votes. These grants were made out of the amount of rupees fifty lacs sanctioned by the Punjab Government for the said purpose. This money had to be spent by 31st March, 1971. The gravamen of the charge is that the bulk of this amount was spent during the election period. It is, therefore, maintained that the returned candidate is guilty of the corrupt practices of bribery mentioned above within the meaning of Section 123(1) of the Representation of the People Act, 1951. Section 123(1) is in the following terms :—

"123. The following shall be deemed to be corrupt practices for the purposes of this Act :—

(1) 'Bribery' that is to say,—

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing,—

(a) ... ..

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) ... ..

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, ... any gratification, whether as a motive or a reward —

(a) . . . . .

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote . . . . .

**Explanation:** For the purposes of this clause the term gratification is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in section 78."

Before I examine the evidence on this part of the case, it will be useful to refer to matters which were within the knowledge of the petitioner before he filed the election petition and also to the pleadings of the parties. At this stage, I would refer to the statement of the petitioner as P.W. 102, and particularly to the following passage:—

"I knew that an offer of gun licenses to electors is a corrupt practice. I made no specific written complaint against the Chief Minister that he was offering illegal gratification to electors by offering gun licenses. For the first time this allegation was made in the election petition and the reason is that I had to examine the record."

In the election petition, in paragraphs 19 and 20, the allegation regarding the corrupt practice of inducing the electors to vote for the returned candidate by the grant of gun licences in Muktsar and Gidderbaha constituencies and throughout Faridkot have been made. This allegation has been made in two paragraphs because two Sub-Divisional Officers are concerned in the matter of the grant of gun licenses, namely Shri R. D. Sayal and Shri O. P. Garg. Paragraph 19 relates to Shri Sayal and paragraph 20 to Shri Garg. I have thought it fit to reproduce the relevant parts of these paragraphs side-by-side for facility of reference:—

#### E.P. 1 of 1971

##### Paragraph 19

(ii) The relevant facts are that S. Gurdas Singh Badal and S. Parkash Singh Badal had contrived to offer and grant gratification to the electors in the constituency by grant of gun licenses to the electors in the constituency in the months of January, February and March, 1971, with a view to directly or indirectly induce the electors to vote for the candidate, S. Gurdas Singh Badal. The licenses were granted to the electors in the constituency within the police station Lambi, Muktsar, Malout and Gidderbaha.

##### Paragraph 20

(ii) The issue of the gun licenses in the stated constituency purports to be under the authority of Sub Divisional Magistrate Shri O.P. Garg who had submissively complied the orders and directions of the Chief Minister though he was fully aware of the intention and the purpose of grant of licenses in such large scale during the elections period.

In all these cases the set procedure prescribed as a precautionary measure and same guard was completely ignored to offer and grant the gratification within the relevant period at its earliest possible juncture.

The licenses were granted to the electors on mere asking and on a promise and on an expressed or implied promise of support to vote for the returned candidate.

#### E.P. 1 of 1971

##### Paragraph 19

(ii) During the period January, February and March, 1971, 3304 gun licenses have been sanctioned and granted obviously as a bribe and gratification. The grant of licenses was directed by S. Parkash Singh Badal in pursuance of the scheme decided upon by S. Gurdas Singh Badal and S. Parkash Singh Badal to win over the electors by gratification. The order directing issue of gun licenses purports to be by Sub Divisional Magistrate Shri R.D. Sayal who knowingly and submissively issued the same as a gratification to the electors. The electors received the benefit as a gratification and as a motive or reward for voting or attempting to induce the electors to vote for the returned candidate.

(iv) It is significant that Shri R.D. Sayal had been appointed and had acted as a Returning Officer for Muktsar and Gidderbaha constituencies while he had and was furthering the prospects of election of the returned candidate by grant of gratification aforesaid to induce the electors to vote for the returned candidate.

##### Paragraph 20

(iii) It has been revealed now that during the preceding year from 6th of January, 1972 to 30th of December 1970, only 145 licenses were issued throughout Faridkot, the serial number of licenses being 429 to 573. Compared to this during the relevant period 1st of February, 1971, to 18th of April, 1971, the serial number of gun licenses issued has risen from 584 to 1068. A total number of 485 licenses were either issued or directed to be issued during the relevant period.

(iv) The grant of gun licenses indiscriminately on mere asking during the election period was solely a gratification given and received for the purpose specified in section 123 which constitutes corrupt practice.

(v) It is significant that Shri Garg the Sub Divisional Magistrate had been appointed and acted as an Assistant Returning Officer of Faridkot a segment of the constituency. He is a Magistrate and a Gazetted Officer. His assistance was procured by S. Parkash Singh Badal and S. Gurdas Singh Badal to further the prospects of the candidate's election by grant of gun licenses to the electors in obedience to the wishes of S. Parkash Singh Badal and S. Gurdas Singh Badal.

In the written statement filed by the returned candidate, the allegations in these paragraphs were denied and it was also pleaded that the allegations were vague and indefinite. In the replications filed on 21st July, 1971, it was averred that definite instructions were conveyed with the said purpose, namely that gun licenses be granted to the electors to procure their votes and it was specifically pleaded that the gun-licenses were not granted by the officers concerned on their own volition. It was also alleged that the Chief Minister and the Ministers had passed orders on the applications for the grant of gun licenses submitted by the electors in this constituency and Shri O. P. Garg submissively complied with the same. Orders for better particulars were passed on 19th November, 1971. The further and better particulars dated 19th January, 1972, were filed by the petitioner on 22nd January, 1972. It is significant that neither in the petition nor in the statement of further and better particulars any mention was made of the meetings held by the Chief Minister in the villages Kaunl, Doda, Chhano and Alamwala, wherein, in his speeches, the Chief Minister entered into a bargain with the electors for the purpose of securing votes for his brother by offering the inducement by way of grant of gun licenses. This matter assumes greater importance because the petitioner as P.W. 102

has categorically stated that he was present in these meetings and in his presence the Chief Minister made the aforesaid offer to the electors. These offers were made before the poll. When the witnesses were examined to depose about these meetings, their testimony was objected to by the learned counsel for the returned candidate on the ground that there was no mention regarding such meetings in the election petition and no particulars thereof had been mentioned, and I recorded a note that this objection will be settled at the time of arguments. I have brought this fact in the fore front for the simple reason that what is to be tried are the allegations in the petition and no evidence can be looked at to prove allegations which have not been made in the petition. In this connection, reference may be made to *Shivamurthy Swami Inamdar v. Agadi Sanganna Andanappa*, 1971(3) Supreme Court Cases 870, where it was held:—

"In addition to the circumstance that there is material difference between the case pleaded and that sought to be proved, the appellants' case is further weakened by the fact that in their pleadings, none of the necessary particulars of the grounds alleged were given. Neither the dates and time on which the public meetings were held nor the places where those meetings were held were mentioned therein. Therefore, it would have been extremely difficult for the returned candidates to rebut the evidence adduced on behalf of the appellants. The learned counsel for the appellants is right when he contends that the mere absence of the particulars of the grounds alleged is not sufficient to dismiss the election petition but that undoubtedly is a circumstance to be borne in mind while appreciating the evidence adduced. That circumstance goes to indicate that allegations were made in the election petitions without ascertaining facts and thereafter evidence was gathered to support those allegations. A wide net appears to have been cast in the election petitions and the details tried to be supplied by the evidence of obliging witnesses. Under these circumstances we agree with the Trial Court that no value can be attached to the evidence adduced to show that the returned candidates had contravened Section 123(3)."

See also *Dev Raj Anand v. Bhagwandas*, AIR 1971 SC 241, wherein it was observed:—

"In our judgment the effect of the simile of the help given by the Guru to Makhan Shah must be ruled out of consideration. It found no mention in the pleadings in which the case was founded primarily on a bargain having been effected between respondent No. 1 and the Sikh voters, . . ."

It is also significant to mention that regarding the meetings in the aforesaid villages only one witness of each meetings has been examined and their testimony suffers from the same defect as was pointed out by their Lordships in *Nihal Singh v. Rao Brendra Singh*, 1970(3) Supreme Court Cases 239. In this connection reference may be made to the following passage in the judgment of the Supreme Court:—

"On this point, reliance was also placed by learned counsel on the evidence of ten witnesses who stated that this poster was distributed in the presence of respondent No. 1 at various meetings in the various villages by his workers. He urged that there was no sufficient ground for disbelieving the evidence of these witnesses. It is significant to note that no two of these ten witnesses speak of distribution at one and the same meeting. Each one of them has come to depose for a different meeting, so that it was not possible for the counsel for respondent No. 1 to cross-examine these witnesses and establish by eliciting contradictions that they were not speaking the truth. It is true that some of these witnesses were Sarpanches or Panches in villages: but, at the same time, quite a number of them were Congressmen or supporters of the Congress Party which gave the ticket to the appellant for this election. Respondent No. 1 and his witnesses who are alleged

to have distributed this poster at these meetings have appeared in the witness-box and denied that there was any such distribution by them. To prove the negative circumstance that this poster was not distributed, no other evidence could have been given by respondent No. 1 except by examining witnesses who were alleged to have been present and to have taken part in the distribution. The burden lay on the appellant to prove that such distribution took place, and the evidence given by examining one witness from each village for each separate meeting, in these circumstances, cannot be considered to be reliable enough to discharge that burden of proof. Consequently, we agree with the finding of the High Court that the printing, publication and distribution of poster Ext. P.W. 20/1 before the date of polling is not proved at all and no question arises of any such act having been done with the consent of respondent No. 1."

The allegations in paragraphs 19 and 20 of the petition are similar. For this reason, I only advert to paragraph 19. It is stated:—

- (a) That the two Badal brothers contrived to offer and grant gratification to the electors in the constituency by grant of gun licenses to them in the months of January, February and March, 1971, with a view to direct or indirectly induce the electors to vote for the returned candidate,
- (b) that in the months of January, February and March, 1971, 3304 gun licenses have been sanctioned and granted obviously as a bribe and gratification. The grant of licenses was directed by S. Parkash Singh Badal in pursuance of the scheme decided upon by S. Gurdas Singh Badal and S. Parkash Singh Badal to win over the electors by gratification, and
- (c) that the order directing issue of gun licenses purports to be by the Sub Divisional Magistrate Shri R. D. Sayal who knowingly and submissively issued the same as a gratification to the electors. The electors received the benefit as a gratification and as a motive or reward for voting or attempting to induce the electors to vote for the returned candidate.

It will appear from what has been stated above that there is no mention in the petition that the Chief Minister had entered into any bargain with the electors in this matter. To put it at the highest, what has been stated is that the gun licenses were issued at the instance of the Chief Minister by way of an offer or promise which amount to bribery within the meaning of section 123(1) of the Act. In fact, the entire scheme was a result of conspiracy or contrivance between the two Badal brothers on one hand and the Sub-Divisional Magistrates on the other. It is . . . not disputed, that any offer or promise by a candidate or his agent of any gratification to any person with the object of directly or indirectly inducing an elector to vote or refrain from voting or as a reward to an elector for having voted or refrained from voting falls within the ambit of term "bribery" as used in section 123(1) of the Act. Mr. Sibal went further and stated that he does not dispute that Shri Parkash Singh Badal was acting as an agent of his brother, but he seriously and vehemently urged that there is no evidence either of an offer or promise by the Chief Minister to the electors. He further urged that there is no evidence whatever of any conspiracy or contrivance between the two Badal brothers and the Sub-Divisional Magistrates.

What has been stated above equally applies to allegations made in paragraph 20 of the petition.

No doubt it is an unusual feature in this case that for the corresponding period in the previous year, i.e., 1970, a very small number of gun licenses was granted in the constituency whereas for the same period in the year 1971, a very large number of licenses have been granted. However, one cannot run away from the fact that these licenses must have been granted at the instance of the Chief Minister, but from this inference one cannot jump to the conclusion that they were granted by reason

of any promise or offer to induce the electors to vote for his brother, though this may be the motive. This is a matter which had to be established by cogent and clear evidence, particularly when allegations of corrupt practice in an election petition amount to an accusation which is akin to a charge of offence. In *Ghasi Ram v. Dal Singh*, AIR 1968 S.C. 1191, their Lordships of the Supreme Court observed:—

"The law requires that a corrupt practice involving bribery must be fully established. The evidence must show clearly that the promise or gift directly or indirectly was made to an elector to vote or refrain from voting at an election. The proof required to establish a corrupt practice must be almost of the character required to establish a criminal charge."

One also cannot run away from the inference that a party in power and particularly a Chief Minister can and often do misuse their position to tilt the scales in favour of a candidate supported by that party. It is also not a proper practice to liberally satisfy the common human desire to possess arms at a time when the machinery of elections is set in motion. The grant of licenses at this juncture does unduly create an image in favour of the ruling party and does mar the prospects of a fair election. However, the question still remains whether on mere conjectures there would be justification to come to the conclusion that the grant of gun licenses amounts to bribery within the meaning of section 123(1). It would be so if either there was a gift of a gun license or an offer of a gun license or a promise of a gun license to an elector to induce him to vote or refrain from voting, but if on evidences these matters cannot be established, it will be wholly unsafe to find for the petitioner on mere conjectures and surmises which, in the circumstances of this case, cannot be said to be wholly without foundation.

Adverting to the election petition, it is clear that there is no allegation therein that there was any bargain between the returned candidate and the electors whereby they were to vote for him in lieu of the gun licenses granted to them. It is also clear that there is no allegation that there was any arrangement between the returned candidate and the Sub-Divisional Magistrates on one hand and the electors on the other. There is no allegation in the petition that any promise or offer was made in the matter of grant of gun licenses either by the Chief Minister or his brother or the two Sub-Divisional Magistrates. What is stated is that the gun licenses in large number were issued in the constituency during the months of January, February and March, 1971, and this was done with a view to directly or indirectly induce the electors to vote for the returned candidate. All this was done as a result of a conspiracy or contrivance between the two Badal brothers and the two Sub-Divisional Magistrates.

At this stage, I may also refer to the complaints that were made by the petitioner from time to time. The earliest of the said complaints in Exhibit P.W. 2/11 dated 20th of February, 1971. This complaint was made to the Chief Election Commissioner, New Delhi, and there is no mention of the issue of gun licenses. Exhibit P.W. 2/13 is the next complaint made on 27th February, 1971. This complaint was made to the Chief Election Commissioner, and there is no complaint regarding gun licenses. Exhibit P.W. 2/12 is the next complaint to the Chief Election Commissioner dated 28th February, 1971, wherein mention is made of all sorts of unusual practices but there is no mention that the Chief Minister was offering inducement to the electors by the grant of gun licenses. Two complaints, Exhibits P.W. 2/31 and P.W. 2/26 were made to the Chief Election Commissioner and the Deputy Election Commissioner. They are word for word the same. These complaints were made on the 7th March, 1971, and no mention was made about the grant of gun licenses. On the 8th of March, 1971, after the poll was over, a complaint Exhibit P.W. 2/27 was made to the Chief Election Commissioner. In this again, there is no complaint about the grant of gun licenses. The last complaint is again dated 8th March, 1971, but was handed over personally on 13th March, 1971 (Exhibit P.W. 2/32). This is a very comprehensive document and the complaint was handed over after the result was declared. By this time the petitioner knew about the

indiscriminate grant of gun licenses and yet no complaint was made on this score. As a matter of fact, the petitioner has gone very much further in his statement where he admitted that he had personal knowledge about the grant of gun licenses but while verifying paragraphs 19 and 20 of the petition, he stated that the allegations made therein are correct on the basis of information received from Gurmeet Singh and Mukhtiar Singh respectively, whereas in his affidavit filed with the petition, in paragraph 1(a) he has stated that the statements made in paragraphs 19 and 20 regarding the commission of corrupt practice of "bribery are true to my knowledge and information received and believed by me to be true". But it is noteworthy that it has not been mentioned which part of the information is believed to be true from knowledge and which part from information received as required by Chapter IV-GG, rule 12 of the High Court Rules and Orders, Volume V. It may be useful at this stage to refer to the observations of the Supreme Court in this behalf in *Virendra Kumar Saklecha v. Jagjivan and others*, 1972(1) Supreme Court Cases 826, which are to the following effect:—

"The respondent filed an affidavit along with the election petition. The affidavit did not disclose the source of information in respect of the speeches alleged to have been made by the appellant. Section 83 of the Act requires an affidavit in the prescribed form in support of allegations of corrupt practice. Rule 94-A of the Conduct of Election Rules, 1961, requires an affidavit to be in Form No. 25. Form No. 25 requires the deponent to state which statements are "true to knowledge and which statements are true to information. Under section 87 of the Act every election petition shall be tried by the High Court as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure to the trial of suits. Under section 102 of the Code High Court may make rules regulating their own procedure and the procedure of the Civil Courts subject to their supervision and may by such rules vary, alter or add to any of the rules in the First Schedule to the Code"

It is also very significant that Gurmit Singh P.W. 32 and Mukhtiar Singh P.W. 34 do not state anything about gun licenses. While dealing with this part of the case, it will be essential to keep in view the following observations of the Supreme Court in *Saklecha's* case:

"The non-disclosure of grounds or sources of information in a election petition which is to be filed within forty-five days from the date of election of the returned candidate, will have to be scrutinised from two points of view. The non-disclosure of the grounds will indicate that the election petitioner did not come forward with the sources of information at the first opportunity. The real importance of setting out the sources of information at the time of the presentation of the petition is to give the other side notice of the contemporaneous evidence on which the election petition is based. That will give an opportunity to the other side to test the genuineness and veracity of the sources of information. The other point of view is that the election petitioner will not be able to make any departure from the sources or grounds, if there is any embellishment of the case it will be discovered."

With this background, I proceed to examine the contentions of the learned counsel for the petitioner on this part of the case. Mr. Sen, who represented the petitioner, argued that in January, February and March, 1970, the total number of licenses granted in Faridkot, Gidderbaha, Malout, Lambi and Muktsar segments of the constituency, was not more than 256. He referred to Exhibits P.W. 68/A1, P.W. 65/A5, P.W. 65/A3, P.W. 65/A4 and P.W. A.1. Whereas, for the year 1971 in these segments more than about 4000 gun licenses were granted. He further stressed the fact that the procedure for the grant of licenses was also modified inasmuch as the applications for the grant of gun licenses were not to be routed through the Senior Superintendent of Police. The procedure for the grant of gun licenses is that the application is made to the Sub-Divisional Magistrate. The Sub-Divisional Magistrate sends that application for verification of the antecedents of the applicant to the Senior Superintendent of Police, who then sends it to the D.S.P., who



sends it to the Station House Officer. After the verification is made, it is routed back to the Sub-Divisional Magistrate through the same channel. By order Exhibit R.W. 24/3 dated 29-1-1971, it was not necessary to route the applications through the Senior Superintendent of Police. This order was later on withdrawn by Exhibit R.W. 24/2 dated 12-7-1971. From this and the grant of a large number of gun licenses it is sought to be concluded that there was a design to secure the votes for the returned candidate in which the two Sub-Divisional Magistrates and the Chief Minister were involved. The gun licenses were issued by way of inducement to secure votes.

Mr. Sibal, learned counsel for the returned candidate, on the other hand, contends that the case set up in the petition is not established. There is no evidence of any conspiracy or design as is alleged, and that the gun licenses were issued according to the normal procedure prescribed and as admitted by the two officers they were issued at their volition. They were not pressurised by the Chief Minister to do so. He further maintains that there is no evidence that there was a bargain between the Chief Minister or the two officers concerned with the elector that in lieu of the gun license he will vote for the returned candidate. The learned counsel urges that none of the licenses, excepting P.W. 95 Ujagar Singh, has appeared in the witness-box. Ujagar Singh stated that he made a request for a gun license and got one. He, however, did not produce that license in Court. He does not state that he got the gun license in lieu of a promise to vote for the returned candidate. Therefore, the contention is that evidence is of no use, particularly when this fact is not disputed that a large number of gun licenses were issued during the period of election.

Now, I proceed to examine the evidence led on this part of the case. The fact that gun licenses were issued is not disputed. The only question to be seen is whether there was any bargain between the returned candidate or his agent Shri Parkash Singh Badal in this behalf or there was any offer or promise or conspiracy to do so, as is suggested in paragraphs 19 and 20 of the petition?

P.W. 22 Gurnek Singh belongs to village Samagh. He talks about the gathering in his village where the Chief Minister is alleged to have made a promise that if the people helped him he would help them. He also went on to state that the electors were also threatened. He then mentioned about the issue of gun licenses to Bachan Singh, Ajaib Singh and Partap Singh. Ajaib Singh, his real brother, also got a gun license. He did not mention about this meeting to the petitioner. He mentioned this to Balwant Singh. It is significant that no particulars about what he has deposed to were given in the election petition. Therefore, his testimony cannot be looked at and even if his testimony is examined, it is nothing but worthless and no reliance can be placed on it. He does not establish that there was any bargain between the Chief Minister and the electors or any promise was held out in the matter of grant of gun licenses. Ajaib Singh has not been produced.

P.W. 39 Avtar Singh belongs to village Bhagsar. He states that in a meeting addressed by the Chief Minister on 13th February, 1971, in the village, he canvassed for his brother, and stated that any vote polled for his brother would be a vote for him. Gurdev Singh was granted a gun license after the visit of the Chief Minister. According to him, Gurdev Singh had told the Chief Minister that he had applied for a gun license a year ago but that license had not been issued to him. The Sub-Divisional Magistrate was with the Chief Minister who was asked to issue the license within 4 or 5 days. The license was actually received by him 3 or 4 days before the poll. His statement was objected to by the counsel for the returned candidate and rightly so. It cannot be read in evidence because no particulars of any meeting, much less the meeting of 13th February, 1971, have been relied upon in the petition. He also mentions of the grant of gun licenses to Bir Singh of Nandgarh, Hakam Singh and Shamsher Singh of Rohrianwala, Tara Singh of village Gandar, Gurdip Singh of Chak Sherwala and Guranditta Singh of Lakhnawali. The gun licenses were granted to get support for the Akali candidate and they were got granted by the returned candidate. In cross-examination he admitted that he was a true Congress worker. The maximum he goes to state is that if he was to work for the Akali candidate he would have also got a

license. He has no knowledge who got licenses in the year 1972 in these villages. He was helping the Congress candidate. The very reading of his testimony discloses that no reliance can be placed on him. He is an omnibus witness. It is also worthy of note that none of the licensees mentioned by him has been produced. He does not state that any offer or promise was made by the Chief Minister to the electors in the matter of grant of gun licenses.

P.W. 40 Ragbhir Chand stated that he took Sewa Singh to the Muktsar Rest House where the Chief Minister was staying because Sewa Singh had applied for a gun license which had not been issued to him. The Chief Minister called Mr. Sayal and asked him to grant the license and he was granted the license. His testimony was also objected to on the same ground as that of P.W. 22 Gurnek Singh and has to be rejected. In cross-examination, he stated that he helped Shri Parkash Singh Badal. He had no talk about firearm licenses with Shri Iqbal Singh. He only got the license issued to Sewa Singh whose application was already pending. He belongs to the Congress party. He even does not know who got the gun licenses. On his own showing, I cannot accept his testimony. Being a Congress-man, he will not support the Akali candidate. Moreover, he proves of no promise or bargain whereby the license was granted to secure a vote. No reliance can be placed on his testimony, and, in any case, it is of no assistance to the petitioner.

P.W. 42 Mohar Singh is an omnibus witness. He admitted that he was the seniormost Congress-man in the constituency and is an ex-M.L.A. Therefore, he can afford to tell lies without any qualms of conscience. He stated that :—

"The Chief Minister used his official position legitimately as well as illegitimately to win over the electorate to his side. Mainly firearm licenses were promised or issued to secure votes for his brother, licenses were promised to the electors in different villages. I know some of them."

It is not necessary to deal with his testimony at length because none of the persons to whom gun licenses were granted has come up to depose that he got it in pursuance of a promise or bargain with the Chief Minister to vote for his brother. He deposed that but for the gun licenses the persons to whom the licenses were granted would have voted for the Congress candidate. This is purely a matter of opinion. He has made this statement with regard to a number of villages and his evidence is more or less of a hearsay character. His testimony was also objected to on the same ground as that of P.W. 22 Gurnek Singh and for that reason it cannot be relied upon. He was also a counting agent of the petitioner at Faridkot. It is curious that he does not mention any of these matters to the petitioner at Faridkot. It is curious that he does not mention any of these matters to the petitioner and only mentioned them to Mukhtiar Singh. In cross-examination, he stated: "during the election period whatever was being done by the Chief Minister I used to inform the petitioner about it". His statement read as a whole does not inspire confidence and cannot be relied upon even if otherwise it can be looked at. He is a highly interested witness and his testimony cannot be relied upon also on that ground.

P.W. 52 Surain Singh has enmity with the returned candidate. His statement thus has not much value. His testimony is to be rejected on the same ground as that of P.W. 22 Gurnek Singh and P.W. 39 Avtar Singh. No mention is made of any bargain with any elector. He in a general way mentions about the grant of gun licenses to a few persons who were present in the meeting when the Chief Minister was supposed to have said that "he had come to canvass votes for his brother who was standing for the Parliamentary seat and that he would help them if they helped him. The villagers said that the Chief Minister was welcome and at his instance the villagers will help his brother." Moreover, he is a highly interested witness. This is apparent from the last lines in his cross-examination which are to the following effect :—

"I did my best to see that the petitioner should win, because I am a Congress worker."



P.W. 53 Inder Singh Bedi does not give any direct evidence either about the conspiracy or the allegation of bribery by way of grant of gun licenses. His testimony has also to be rejected on the other ground that the particulars about which he has mentioned are not stated in the petition.

P.W. 54 Inder Singh of village Machaki Kalan stated that the Chief Minister came to his village during the last Parliamentary election 8 or 10 days before the poll. The Chief Minister addressed the gathering and exhorted for votes. Thereafter, he stated that:—

"There were many Zamindars who requested for gun licenses. I only remember the name of one, i.e., Mehnga Singh son of Kishan Singh, who is an elector in the village. The Chief Minister directed the S.D.M. to issue him a firearm license. I know that he got the license."

He admitted that he is a Congress-man and was supporting the petitioner. It is apparent from his statement that he does not refer to any promise held out by the Chief Minister in the matter of gun licenses whereas he is specific about such a promise regarding the Dharamshalas. He is an interested witness and his testimony cannot be taken at its face value. Moreover, his evidence suffers from the same infirmity as that of P.W. 22 Gurnek Singh inasmuch as the particulars regarding the meeting were not mentioned in the election petition.

P.W. 55 Malkiat Singh of village Chhatiana also deposes to four or five visits of the Chief Minister to the village, but in two visits the Chief Minister addressed the villagers in meetings that were arranged for the purpose. The first meeting was 20 or 22 days before the poll. In this gathering, according to the witness, the "Zamindars asked for firearm licenses. 25/30 persons in the village got firearm licenses. Balbir Singh, Gobind Singh, Rulja Singh, Kartar Singh, Keekar Singh made demands for the gun licenses. The Chief Minister asked the Sub-Divisional Magistrate to note down the names of these persons. All these persons got gun licenses. All these persons are electors in the village." In cross-examination, he stated that whenever the Chief Minister came to the village the entire village would collect. He did not note down the names of persons who demanded the firearm licenses, nor did he give in writing to his election camp that demands had been made by the villagers for gun licenses from the Chief Minister, nor did he mention this fact to the election office of the petitioner or mentioned it to anyone. He, however, volunteered that in the evening he conveyed this fact to S. Balwant Singh. He has not deposed to the second meeting. It is significant that this witness was cited for proving of casting of spurious votes at Gajewali polling station. Moreover, he does not depose to any promise held out by the Chief Minister. A demand was made from the Chief Minister and he acceded to that demand. His testimony is not such that any implicit reliance can be placed on it.

P.W. 56 Avtar Singh, a member of the village Panchayat of Phullewala, deposed that the Chief Minister came to the village and a meeting was held. He addressed the gathering and canvassed that votes be polled for his brother. According to the witness, the Chief Minister "stated that if there was any difficulty or firearms licenses are to be obtained or the canal water outlet had to be widened, he should be approached. Five or six persons stood up. Their names were Gurdev Singh, Guranditta, Hakam Singh and Kela Singh. They prayed that they should be granted firearm licenses. The Chief Minister asked them whether they had the written applications with them. They said that they had. These applications were taken by the Chief Minister and handed over to the S.D.O. These persons got firearm licenses. They got the licenses before the poll. These persons are electors in the constituency." He admitted in cross-examination that in the Assembly election he helped the Congress candidate against Shri Parkash Singh Badal. It is significant that he does not depose that any promise was held out by the Chief Minister. All that he states is that the villagers asked for gun licenses and their applications were handed over by the Chief Minister to the Sub-Divisional Magistrate for that purpose. Moreover, he is interested in the petitioner and is in the opposite camp.

P.W. 60 Hari Singh of village Singawala stated that 15 or 20 days before the poll the Chief Minister came to the village and delivered a speech in a meeting wherein he stated that "if anybody has any work he should mention it and it will be done. He also stated that the votes should also be polled for him. The villagers who were in need of firearm licenses, asked for them. Twenty or twenty-five persons asked for firearm licenses. I know only the names of two or three persons. They are Gura Singh, Jagdev Singh and Chand Singh. The Chief Minister asked the S. D. O. to give them licenses. I do not know if all of them got the licenses but I know that these two or three persons got the licenses before the polling. These persons the voters in the village". In cross-examination, he admitted that he was helping the returned candidate and in the next breath he stated that he was issuing identification slips on behalf of the petitioner. His testimony suffers from the same defect as that of P. W. 22 Gurnek Singh inasmuch as the particulars of the meeting are not specified in the election petition and he is the only witness who deposes as to this meeting.

P. W. 65 Shri R. L. Sayal categorically stated that he did not issue gun licenses at the instance of the Chief Minister or at the instance of his brother, and so also at the instance of Panna Lal or Major Bhupinder Singh Mann. He, however, made a fantastic statement regarding the words "OS", "B", "M" and "HS" on the applications. It is highly unbecoming of an officer in a responsible position to have tried to wriggle out from an awkward situation by having recourse to a false explanation. There can be no two opinions that he was out to help the returned candidate because he was the brother of the Chief Minister. The least that could be expected of him was that he should not have sided with one or the other party, but in view of the pressure and pulls that the politicians exercise in this country, only an officer who has some courage and is prepared to gear the brunt of their wrath can stand up and rise to the occasion. It is for this reason that the administration is suffering and all sorts of malpractices are rampant. However, the fact remains that even when Shri Parkash Singh Badal has ceased to be a Chief Minister this witness had not the courage to make a straightforward and an honest statement. Rightly or wrongly, he was a party to the grant of a large number of firearm licenses during the election period obviously to give an edge to the brother of the Chief Minister over the rival candidate. The witness, however, maintained that the licenses were granted on the basis of number of applications which were recommended by the police. He also maintained that if the application was recommended by the police, a license was granted as a matter of course. He denied that he granted licenses at the instance of the Chief Minister. His explanation for the licenses granted without a police report was that they were granted to persons who were already license-holders or who were personally known to him or were Government servants. This witness made no bones about the fact that some of the persons whom he granted gun licenses were electors but he did not realise that by doing so he was bettering the prospects of the returned candidate. When cross-examined by the counsel for the returned candidate, the witness stated :—

"In my official capacity as S. D. M., I have gone with the Chief Minister in a public meeting but I have not gone in a public meeting to which the Chief Minister may have gone in connection with the election of his brother. The Chief Minister in my presence did not ask the audience to take firearm licenses and vote for his brother. He did not take applications in any public meeting from the audience and handed them over to me for issuing the gun licenses. I issued licenses to those persons who according to the rules and regulations were entitled to them or deserved them. One of the methods to satisfy myself was to ask for a police report. The Chief Minister or his brother—the returned candidate never asked me to help him in the Parliamentary election. I did not work with the intention or knowledge of furthering the returned candidate's prospects in the election. I never approached any citizen in this behalf or asked them to vote for the returned candidate. I asked nobody to help the returned candidate. I approached no one to desist from helping the petitioner. . . . In spite of the fact that the application Exhibit P. I. 65/455 had been recommended by Shri Badal, the then Development Minister, I still forwarded it for police for verification because

I did not know the man personally. This was done in accordance with the rule and my own practice. The applications of those who have licenses were not sent to the police for verification."

P.W. 68 Shri O. P. Garg, who was Sub-Divisional Magistrate, Faridkot at the relevant time, made a very fair and frank statement and I have no reason to doubt the veracity of his testimony. The relevant parts of his statement on this part of the case are reproduced below :—

"During the Chief Minister's tour when he used to receive applications for gun licenses, he passed them on to me and on those applications which he passed on to me I recorded the word 'C.M.'.....I have no particular relationship with Gurdas Singh Badal. These applications for firearm licenses were not sanctioned on the behest of the Chief Minister. Whenever the Chief Minister handed over the applications to me, he merely directed me to deal with them and issue the licenses."

The witness refuted the suggestion that he granted the gun licenses to favour the returned candidate in the election. He also stated that even if the Chief Minister asked him to issue a gun license he could refuse it. There are number of applications for gun licenses which were not granted. In cross-examination, the witness stated :—

"My service is protected by the Constitution. I am now prepared to do anything against my conscience to protect my service. I did not go with the Chief Minister as his agent but went with him to see law and order problems. It was not essential for me to go with him. In fact I was going early or late as well. Whenever applications for firearms came to me, I forwarded the same to the police for report for verification of the antecedents of the applicants. If the police report was favourable I invariably granted the licenses. If I was personally satisfied about the antecedents of a person I would grant the license even without a police report. The Chief Minister made no recommendation to me about the applicants. I followed the same routine irrespective of the fact that the applications were handed over to me by the Chief Minister. If as a consequence of the police report on an application handed over to me by the Chief Minister the antecedents of the applicant were not good, I would not grant license".

To the following Court question the witness gave the answer recorded below it :—

"Court Question : Can you give me any explanation for writing the word 'Badal' or 'C. M.' on the application ?

Answer : The only explanation that I can give is that these applications could be dealt with more expeditiously."

P. W. 85 Shri Radha Krishan, an Ex-Minister of Punjab, stated :—

"Prayers were also made for the grant of gun licenses. The persons present said that it was difficult for them to get gun licenses and as they were the supporters of the Chief Minister he should help them. The Chief Minister directed the S.D.O. to take the applications and grant the licenses.....To secure vote by offering gratification is a corrupt practice, in my opinion. I cannot state whether the offer by Shri Parkash Singh Badal of Dharamshala to Harijans in my village amounts to a corrupt practice. It was a Cabinet decision in the year 1970-71 to give amounts for Harijans Dharamshalas. It was, however, the practice or the policy decision that an M.L.A. who gave a list of Harijans Dharamshalas of his area, they would be sanctioned."

It is clear from his statement that no promise was made by the Chief Minister in the matter of gun licenses to secure votes.

P. W. 90 is Shri Gurpartap Singh Chadha, the overall in-charge of the election campaign of the petitioner. He is

also interested in the transport concern in which the petitioner or his family has share. This witness is more or less in the shoes of the petitioner. On his testimony alone, I am not prepared to return a finding in favour of the petitioner with regard to corrupt practices alleged in the petition. His testimony is highly interested. No promise or offer was made for gun licenses in his presence.

P. W. 94 Bhag Singh of village Sadiq stated that the Chief Minister came to the village 10 or 12 days before the poll. In the gathering in the village, the Chief Minister said that they should poll their votes for his brother and he will issue them gun licenses. In cross-examination, he stated :—

"I have seen the gun licenses. I saw those persons carrying their gun licenses. I could not read them."

The testimony of this witness suffers from the same defect as that of P. W. 22 Gurnek Singh. There is no allegation of any such meeting in the petition, nor any particulars there of are mentioned, Mukhtiar Singh P. W. 34, to whom this witness mentioned about the matters *qua* which he made his deposition in Court, does not say a word about this matter.

P. W. 95 Ujagar Singh of village Sadiq stated that 15 or 16 days before the poll the "Chief Minister addressed the gathering in the village and said that whatever work the villagers had they should tell him. The villagers should help his brother in getting elected and his success will be their success. Generally, requests were made for gun licenses. I made a request for a gun license. I got a gun license. I am an elector in the village. I got the gun license one or two days before the poll. Jalaar Singh, Bilaur Singh, Iqbal Singh, Teja Singh Avtar Singh, Piara Lal and some others made requests for gun licenses. All these persons made applications for gun licenses and handed them over to the Chief Minister who gave them to the S. D. M. All these applicants got the gun licenses. Some of them got the gun licenses 2 or 3 days before the poll and others after the poll. All these persons are electors in my village." In cross-examination he admitted that he had not brought the gun license issued to him. He also admitted that he never made a mention about the visit of the Chief Minister and the grant of the gun license to Mukhtiar Singh P. W. or to the petitioner. It appears that his story is a made-up one. I cannot believe, even if I were to accept his assertion that the Chief Minister visited the village and addressed the meeting, that people were ready with applications for gun licenses when in fact nobody could predict as to what promise he was going to hold out. In the second place, his testimony suffers from the same defect as that of P.W. 22 Gurnek Singh. Thus, no reliance can be placed on his evidence.

P.W. 96 is Mohinder Singh of village Dod. According to him, he was present in the gathering which was addressed by Chief Minister. The Chief Minister asked the people that if they had any work he should be informed. The villagers asked for gun licenses. He admitted that he did not know that any gun license was issued in the adjoining village. In cross-examination he stated that :—

"I do not know who noted down the names of the persons who asked for gun licenses. That very day applications were got thumb-marked from those persons who had asked for gun licenses and those applications were taken that very day. There was a man with the Chief Minister who filled those applications. The gun license forms were also with that man. I have seen the gun licenses issued to those persons. They got the gun licenses after the poll, that is after a week.

I do not remember the date. I do not know if the applicants went for the verification of the applications. These persons had not applied earlier for gun licenses. The applicants own land. All these three persons were supporters of the Congress party....

I am a supporter of the Congress."

His statement also suffers from the same infirmity as that of P.W. 22 Gurnek Singh and the story given by him is highly improbable. None of the persons from this village who got the gun licenses have been produced.

P.W. 97 Jangir Singh of village Dhudi stated that the Chief Minister came to the village before the poll. He asked the

villagers to vote for his brother and whatever work the villagers had would be done. "A prayer was made for gun licences. Ganga Singh, Amir Singh, A.S.I., Sukhdev Singh and Anup Singh made oral requests for gun licences and they were told that they will be given the licences. These persons have got the gun licences." He does not know whether they got the licences 8 or 10 days before the poll or after the poll. In cross-examination, he admitted that there were many persons of the Congress party in the gathering. He also mentioned that he saw the gun licences and the guns with the licensees but could not tell who were the previous licensees and when they got the licences. His testimony again suffers from the same defect as that of P.W. 22 Gurnek Singh and no other person of the village has come to support his statement. Therefore, he could with impunity say whatever he wanted to say. It is also clear from his statement that no specific promise was held out in the matter of grant of gun licences by the Chief Minister. This was like a demand made from a person in authority as usually people do in this country at any conceivable or opportune moment.

P.W. 98 Mohinder Singh of village Harike Kalan, deposed that a meeting was held 20 or 25 days before the poll in the village which was addressed by the Chief Minister wherein the Chief Minister canvassed for his brother and asked the gathering to tell him if they needed any help. Out of the gathering some asked for gun licences. Many people had applied for gun licences. Then he names the persons who got the gun licences. The applications were handed over to the S.D.O. at the instance of the Chief Minister. According to him, the Chief Minister again came to the village 8 or 10 days before the poll and gave the licences to them. But those whom he could not, they were told that they will get the licences. The persons named by him got the licences on the second visit of the Chief Minister. In cross-examination, he stated that he did not mention about the visit of the Chief Minister to anyone and according to him, the news about the visit must have been carried by the Congressmen living in the village. His statement suffers from the same defect as that of P.W. 22 Gurnek Singh. However, the learned counsel for the petitioner mainly emphasises the fact that Shyam Singh Sarpanch was granted a pistol license for .38 bore pistol, while his gun license had been confiscated. When he applied for the license he was on bail. It is significant that no one except P.W. 95 Ujagar Singh, is a witness who got the license. So far as this witness is concerned, he did not get a license nor did he apply for it.

P.W. 102 is the petitioner. He stated that he met the Chief Minister in village Kauni in Muktsar, after 25th or 26th of January, 1971, where the Chief Minister delivered a speech. In his speech the Chief Minister stated that votes should be polled for his brother and whatever assistance the villagers needed would be afforded to them in the shape of canal outlets, gun licences and Dharamshalas and other facilities from the Government. He further stated that people used to demand gun licences from Shri Parkash Singh Badal. Second time the petitioner met the Chief Minister in village Doda. This meeting was held in the beginning of February, 1971. The Chief Minister was delivering his speech when the petitioner reached the village and similar assurances were given by him as in village Kauni. The third time where the petitioner met Shri Parkash Singh Badal was in village Chanun in Lambi constituency, and a similar type of speech was delivered as in village Kauni. The fourth time the petitioner and Shri Badal met was at village Alamwala and similar demands were made by the villagers as at village Kauni. In cross-examination he stated that "between the 5th and the 8th January, 1971. I came to know that the Chief Minister was offering gratification to the electors in the form of gun licences." He further stated that:—

"I know that an offer of gun licences to electors is a corrupt practice. I made no specific written complaint against the Chief Minister that he was offering illegal gratification to electors by offering gun licences. For the first time this allegation was made in the election petition and the reason is that I had to examine the record. My workers told me before the poll that the Chief Minister was distributing gun licences from village to village . . . In the Kauni meeting I heard the Chief Minister himself asking the gathering to give votes and take gun licences. It never occurred to me to make a written complaint about this matter to any authority . . . Whatever I have deposed today I had made a mention of that to

my counsel. . . I verified the petition after reading it. . . The allegations made in para 19 of the petition are made on the basis of the information supplied by Gurmeet Singh and not from my personal knowledge. . . In my affidavit of the corrupt practices. I have verified the allegations in paragraphs 19 to 24 . . . as true to my knowledge and information."

It is significant that the petitioner did not give the particulars of these meetings where the promise for the grant of gun licences was made by the Chief Minister in the election petition in spite of the fact that he had personal knowledge about these matters. What really appears is that no promises were made. If promises were made, the petitioner who was off and on complaining to the Election Commissioner, would not have left this matter untouched in those complaints. It is only when the petitioner was defeated and had decided to go in for an election petition the fact that large number of licences were granted during the election period has come handy to set up the charge of corrupt practice of bribery. That is why the evidence has been led in such a way that its veracity cannot be tested in cross-examination. Only one witness from a village has been produced. It was open to the witness to say whatever he wanted without any fear of contradiction by another witness from the same village. The matter does not rest here. Whatever facts the petitioner knew, he intimated to his counsel and, therefore, it is hard to believe that what transpired at the meetings to which the petitioner has now referred in his testimony, would not have been highlighted in the petition and the counsel would have just ignored such a vital matter, particularly when the petitioner was aware that the grant of gun licences was a corrupt practice.

P.W. 103 Bhag Singh Sarpanch, Gram Panchayat Malukpur talks of a meeting in village Dunga Khera where the Chief Minister is reported to have stated "that he was prepared to give any help that the villagers needed in the shape of gun licences, water outlets, roads, electricity, Dharamshalas etc." He also made a similar statement regarding Sita Guno Zail and villages Jhumianwali and Rurianwali. In cross-examination, he admitted that whatever he saw he mentioned to Ajit Singh, brother of Shri Iqbal Singh, but not to Shri Iqbal Singh. He is specific that whatever was done by the Chief Minister was wrong. He does not mention that any application for a gun licence was made in his presence or any gun licence was issued.

P.W. 104 Gurbachan Singh of Saddar Bazar, Muktsar stated that he was working for the petitioner in a number of villages. In village Bariwala, he found the Chief Minister present and a meeting in progress where in the Chief Minister is reported to have said that if the villages required any assistance in the shape of bus service or in any other matter, he was prepared to help them. In village Sadarwala, the Chief Minister is reported to have asked the villagers if anyone had any work which could be done by him, or if they wanted any gun licences. Two or three persons got up and said that they had already applied for licences. The Chief Minister directed the S.D.M. to issue the licences. Sucha Singh, Makhan Singh and Kashmir Singh made demands for gun licences. These persons got the gun licences. The testimony of this witness suffers from the same defect as that of P.W. 22 Gurnek Singh. The persons who got the gun licence have not been produced. This witness is a Congress-man and was doing active work for the petitioner. He is an interested witness and much reliance cannot be placed on his testimony.

The respondent has produced evidence in the negative. It is not necessary to discuss that evidence excepting the statement of Shri Prakash Singh Badal, R. W. 24. He was cited as a witness by the petitioner and was given up. The returned candidate has produced him as a witness, and he has been subjected to cross-examination by the petitioner. It is significant that whereas a large number of questions were put to him regarding Dharamshalas, not one question was put to him regarding any speech in any village where gun licences were promised in lieu of votes. It is a very telling fact that upto 12th of March, 1971, no complaint regarding the corrupt practice by way of grant of gun licences was ever made, particularly when the petitioner knew of it. The matter does not rest here. In the petition, no allegation, as has been brought out in evidence, was made of any specific meetings which were attended by the petitioner

and at which the Chief Minister made an offer or promise for the grant of gun licenses to the electors in order to secure their votes. There is no allegation in the petition that there was any bargain between the returned candidate and the electors, or the returned candidate and the two Government officers who issued the licenses. The only fact proved is that the gun licenses were granted by the officers. No witness has stated that the gun licenses were granted by the officers by way of illegal gratification or they made any promise or offer to the electors. There is no evidence of any conspiracy between the two Badal brothers and the officers. In fact, no evidence of such a conspiracy has been led. There is no evidence that the licenses were granted in lieu of promise of a vote. None of the witnesses has stated that he or the grantee got the gun license from the officer on the promise that he will vote for the returned candidate.

So far as the two official witnesses are concerned, namely Shri R. D. Sayal P.W. 65 and Shri O. P. Garg P.W. 68, they do not support the allegation that they acted as tools in the hand of the Chief Minister and even if they did, all that is established is that a large number of gun licenses were granted and some can be said to have been positively granted at the instance of the Chief Minister, but there is no evidence that their grant was pre-conditioned by a bargain that the grantee would vote for his brother in lieu of the gun license. It was forcefully urged in the course of arguments on the basis of the word 'CM', 'BADAL', 'GS', 'Mann', 'Panna Lal' or 'PI' on certain applications in the handwriting of the Sub-Divisional Magistrate, that the gun licenses were issued at the instance of the Chief Minister. It was pointed out that initials are of either the close relations of the returned candidate or their employees or of the candidate. Accepting the fact that these initials indicate the above category of persons, what is established is that either these applications came through these persons or at best at their recommendation the officers concerned granted the gun licenses. There is no evidence of any bargain between the grantees and the persons at whose instance the licenses were granted. It is also not proved, or alleged, that the grantees were Congress-men or having leanings towards the Congress candidate and that the licenses were granted to win them over for the Akali candidate.

I must at this stage mention one matter, namely that whenever a Minister or the Chief Minister visits any place, there is no dearth of people who are present with demands and if a demand is made, unless the Minister or the Chief Minister is an indiscreet person, he would ask the application containing the demand to be handed over to him or to his concerned officer. This is the normal routine. If this routine was in fact turned into an offer to get votes or to strike bargains in order to get votes, it would amount to a corrupt practice. It is for this reason that I have taken pains to examine the entire evidence i.e. on this part of the case in its minutest details.

This leads me to the question as to what is the requirement of law in this behalf. The legal position in the matter of a corrupt practice has been very ably enunciated in *Jagdev Singh Sihlanti v. Pratap Singh Daulta*, AIR 1965 S.C. 183, wherein it was observed :—

"It may be remembered that in the trial of an election petition, the burden of proving that the election of a successful candidate is liable to be set aside on the plea that he was responsible directly or through his agents for corrupt practices at the election, lies heavily upon the applicant to establish his case, and unless it is established in both its branches i.e. the commission of acts which the law regards as corrupt, and the responsibility of the successful candidate directly or through his agents or with his consent for its practice not by mere preponderance of probability, but by cogent and reliable evidence beyond any reasonable doubt, the petition must fail. The evidence may be examined bearing this approach to the evidence in mind."

In *Ghast Ram v. Dal Singh and others*, 1968(3) S.C.R. 102 —AIR 1968 S.C. 1191, it was observed that :—

"The law requires that a corrupt practice involving bribery must be fully established. The evidence must show clearly that the promise or gift directly or indirectly was made to an elector to vote or

refrain from voting at an election. The position of a Minister is difficult. It is obvious that he cannot cease to function when his election is due. He must of necessity attend to the grievances, otherwise he must fail. He must improve the image of his administration before the public. If every one of his official acts done *bona fide* is to be construed against him and an ulterior motive is spelled out of them, the administration must necessarily come to a stand-still."

In *Om Prabha Jain v. Abnash Chand*, 1968(3) S.C.R. 111 —AIR 1968 S.C. 1083, the observations in *Ghast Ram's* case were endorsed.

After fully considering the evidence, the various facts mentioned by me and the true legal position, I have come to the conclusion that the evidence besides being interested and unreliable does not prove the corrupt practice alleged beyond a reasonable doubt.

This brings me to the question of the offer of illegal gratification in the form of cash grants for the construction of Dharamshala's for Harijans and for their repairs. Before proceeding to deal with this contention, it will be proper to set out the pleadings.

E. P. 1 of 1971

Paragraph 22 of the Petition

Paragraph 22 of the Written Statement

22. The relevant facts are:—

22. The contents of para No. 22 of the petition are denied. All the allegations being vague as full particulars in respect of alleged corrupt practices have not been given, the same should be struck off.

(i) That S. Parkash Singh Badal untrived to grant gratification, to large number of Constituency—the Harijan electors—whose support and votes were essential requisite for the success of S. Gurdas Singh Badal. The expressed purpose for grant of large sums of monies was merely a 'pretext and actually by abuse of power and position large sums of money were distributed for benefit of the candidate for the director indirect purpose of inducing the electors to vote in favour of the candidate S. Gurdas Singh Badal. It was a contrivance decided upon by S. Parkash Singh Badal and S. Gurdas Singh Badal that money be distributed amongst Harijans in the villages for advancement of their religious feelings and thereby secure the votes to further the prospects of election.

(i) The contents of sub-para (i) of para 22 of the petition are denied.

## E.P. 1 of 1971.

Paragraph 22 of the Petition	Paragraph 22 of the Written Statement.	Paragraph 22 of the Petition	Paragraph 22 of the Written Statement.
<p>(ii) Shri Parkash Singh Badal visited most villages in the constituency during the election campaign, promised to advance large sums of money to the Harijan electors, knowing that thereby the electors would be induced to vote for S. Gurdas Singh Badal. A sum of Rs. 5500/- for each village was sanctioned for payment to the Harijan electors and their association in the following villages:—</p> <p>(1) Fazilka Sub Division: Grant of Rs. 5500/- was made to each of the following 16 villages:—</p> <ol style="list-style-type: none"> <li>1. Pakka Kelewala,</li> <li>2. Chak Balamrasul,</li> <li>3. Banwala,</li> <li>4. Tipanwali,</li> <li>5. Guharianwali,</li> <li>6. Theh Kalandar,</li> <li>7. Karcowala</li> <li>8. Dabial kalan,</li> <li>9. Banga-wali</li> <li>10. Nialkhera,</li> <li>11. Donger khera,</li> <li>12. Jhumianwala,</li> <li>13. Rurianwali,</li> <li>14. Saidanwali,</li> <li>15. Kalu,</li> <li>16. Khubikhera.</li> </ol> <p>(2) Muktsar Sub Division: Grant of Rs. 5500/- was made to the Harijan Electors and their association in each of the following 10 villages in the sub division:—</p> <ol style="list-style-type: none"> <li>1. Bhagu,</li> <li>2. Channi,</li> <li>3. Tharajwala,</li> <li>4. Loharan,</li> <li>5. Tipakhera,</li> <li>6. Bhutianwala,</li> <li>7. Bhutter saran,</li> <li>8. Lambi,</li> <li>9. Chak Deowala,</li> <li>10. Sotha.</li> </ol> <p>(3) Faridkot. Grant of Rs. 5500/- was made to the Harijans and their association in each of the following 3 village:—</p> <ol style="list-style-type: none"> <li>1. Dod,</li> <li>2. Bhidekalan,</li> <li>3. Konni.</li> </ol> <p>In all the above stated cases the ostensible purpose as expressed was construction of Dharamshala for the Harijans and Backward Classes.</p> <p>(iii) As submitted above the Chief Minister had directed the release of public money. The expressed purpose was also his instructions. The Director of Scheduled Castes and Backward Classes merely carried out his directions and the promise to grant money made during the period of election was implemented on or about 29th March, 1971. Vide letter No. 5205 dated 29-3-1971 pertaining to Fazilka and Muktsar Sub Divisions as above stated. And letter No. 5270/79 dated 29.3.1971 pertaining to villages in Faridkot.</p>	<p>(ii) The contents of sub-para (ii) of the petition in so far as it relates to Shri Parkash Singh Badal are denied. The other allegations contained in this sub-para are also denied. No particulars as required by law have been given regarding the grant of money have been mentioned in this petition. All allegations of corruption and bribery mentioned in this sub-para are denied. It is further submitted that wherever the State Government sanctioned money for the construction of a Dharamshala, it was done in accordance with law and furtherance of the policy of the Government for the uplift of the Harijans and backward classes. The State Government had set apart a large amount of money for this purpose even in the earlier years. It is denied that Shri Parkash Singh Badal ever made any promise for the grant of such money to anybody. The so called grants have no connection whatsoever with the election of the petitioner.</p>	<p>(iv) Besides the Chief Minister had directed grant of sums of Rs. 2000/- for repair of Dharamshala to the electors of two villages or their Society in Faridkot. These being (1) Kingra and (2) Kameena. The grant was released per order No. 4705/9, dated 29-3-1971.</p> <p>The electors of 5 more villages were recipient of gratification of Rs. 1000/- each for the stated purpose of affecting repairs to the Dharamshala. The names of these villages are :—</p> <ol style="list-style-type: none"> <li>1. Dalipsinghwal</li> <li>2. Bhag Singhwal,</li> <li>3. Machuki Kalan,</li> <li>4. Kaler and</li> <li>5. Aulkh.</li> </ol> <p>The order sanctioning the gratification under the directions of the Chief Minister is dated 4th of March, 1971.</p> <p>(v) The petitioner submits that the money was advanced in commission of corrupt practice as a gratification to the electors to vote for S. Gurdas Singh Badal. The election is liable to be declared void on account of the above stated corrupt practice.</p>	<p>(iv) The contents of sub-para (iv) of the petition are denied.</p> <p>(v) The contents of sub-para (v) of the petition are denied. The allegations contained in this para are also vague and are liable to be struck off.</p>
		<p>In the replication it is stated:—</p> <p>"The contents of para No. 22 are incorrect. The petitioner has made concise statement of material facts as required by law in the election petition.</p> <p>(i) The contents of sub-para (i) are incorrect. The correct facts have been stated in the corresponding paragraph of the election petition and those are reiterated.</p> <p>(ii) The contents of para No. (ii) are denied and the facts stated in the corresponding paragraph of the election petition are reiterated.</p> <p>(iii) The contents of sub-para (iii) are denied. The correct facts have been stated in the corresponding paragraph of the election petition and those are reiterated.</p> <p>(iv) The contents of sub-para (iv) are denied. The correct facts have been stated in the corresponding paragraph of the election petition and those are reiterated.</p> <p>(v) The contents of sub-para (v) are denied. The correct facts have been stated in the corresponding paragraph of the election petition and those are reiterated.</p> <p>The petitioner urges that the facts stated above establish corrupt practice of bribery and gratification to Harijan voters and was not either innocent act of the State Government or in furtherance of the policy of the Government for the uplift of Harijans and the Backward Classes as alleged."</p> <p>In the statement of better particulars, it is stated:—</p> <p>"Para 22-A: It is submitted that further particulars pertaining to allegations of corrupt practice under section 123(1) as narrated in paras 21 and 22 of the petition are being stated in annexures HG I and HG II.</p>	

"In the aforesaid annexures the petitioner has named the villages—the Harijans electors of which villages were given large sums of money as a gratification for the expressed purpose of Dharamshalas but actually gratifications to Harijan electors with a view to induce them to vote for the returned candidate. The various amounts granted under the directions of S. Parkash Singh Badal and the date of the grants has been specified in the schedule. Prior concurrence of the Finance Department had not been obtained. S. Parkash Singh Badal who had actually directed the grants to be made was not the competent authority under the rules of business of allocation at his own will either to approve the specified places for the purpose of grant of money or distribution or to sanction any amount for the purpose. The allotment has been made contrary to all the rules for the purpose of including the Harijan electors to vote for the returned candidate.

S. Parkash Singh Badal, the agent of the returned candidate, had acted with the consent, concurrence and convenience of the returned candidate.

In some cases the amount promised to the villagers for the expressed purpose but actually as a gratification was released immediately after the result of election. The dates of their remittances to said electorate of the villages would be established in the course of evidence.

It has now come to the notice of petitioner that the record pertaining to the grants aforesaid to different villages was summoned by Chief Minister after the institution of election petition. It was submitted to him which record is not now traceable in the Department concerned."

It will appear from the pleadings that the only allegation made is that the Badal brothers contrived to distribute money for the said purpose in order to secure favour from the Harijan community so that they cast their votes for the returned candidate. It is, however, significant that no mention is made of any bargain between the Badal brothers and the electors. There is also no mention that these offers were made by the Chief Minister at the meetings held in the villages where such grants were made, excepting in the case of village Alamwala. However, for the first time, in evidence it is brought out, that in certain villages meetings were held wherein such offers were made. No allegation in the petition, replication or the better particulars is made to the effect that the Chief Minister addressed any meeting in the said villages on a particular date or time or what he said in those meetings. When these facts were brought out in evidence, an objection was raised by the counsel for the returned candidate that this evidence is of no value and cannot be made use of in the election petition, in view of the decision of the Supreme Court in *Shivamurthy Swami Inamdar's case* (1971)(3) S.C.C. 870). Regarding the meeting in village Alamwala, to which this objection does not relate, it is stated in paragraph 23 of the petition :—

"That with a view to induce the electors of the village Alamwala in Malout constituency to vote for Shri Gurdas Singh Badal, the Chief Minister visited the said village in February, 1971. Prior intimation had been conveyed to the Revenue Officer of the locality including the Patwari named Lachman Dass and the Block Development Officer in charge of the area who were required to and had actually attended to arrange a meeting of the electors and the Chief Minister to influence the electors to vote for S. Gurdas Singh Badal. They arranged a meeting for the Chief Minister attended by the electors, the residents of the village."

In fact, the allegation in paragraph 23 is made on a different count. At best, it can be said that the allegation regarding inducement to voters on this count is made in this village. It is not specifically alleged, that any promise was in fact made in this behalf by the Chief Minister in the meeting. Thus, the position is that there is no legal material on the record from which it can be held that the corrupt practice of bribery by way of grant for Dharamshalas is made out.

Before dealing with the oral evidence on this part of the case, it will be advisable to deal with the documentary evidence bearing on the subject. Exhibit P.W. 69/1 and Annexure H.G. II. give the details of the amounts sanctioned for the construction of Dharamshalas in the villages in the constituency. These documents do not show the date of actual payment but the fact of the matter is that the grants had to be disbursed by the 31st of March, 1971. It was indicated in the pleadings that the date of remittance would be established in evidence, but no evidence has been led to this effect. On the 25th of February, 1971, the District Welfare Officer, Ferozepore, wrote to the Director, Scheduled Castes and Backward Classes, Welfare Department, Punjab, Chandigarh (Exhibit P.W. 69/2) that :—

"In accordance with your verbal orders dated 20-2-1971, Shri Lajinder Singh Bedi, M.L.A. came to this office with regard to the grant of Janjghars to ten villages in Fazilka Tehsil. He presented a list concerning fifteen villages which is enclosed. The applications concerned ten villages out of the above quoted list of fifteen villages, duly completed with regard to all aspects, have been sent to your office vide this office letter No. 515 dated 16-2-1971. The applications concerning the following five villages duly completed are sent herewith :—

1. Nokerian
2. Mahu Ana Bodla
3. Theh Kalandar
4. Kirianwala
5. Dabwala Kalan.

Note: C. M. also made a verbal promise to a Janjghar to village Kirianwala. Janjghar to this village may be sanctioned".

At this stage, I may mention that re. Kirianwala, there is no allegation in the petition and no witness with regard to this village has been examined.

Exhibit P. W. 69/3 is the letter of which mention was made in Exhibit P.W. 69/2. The list of villages regarding which completed applications for the sanction of Dharamshalas for Harijans were sent finds mention in Exhibit P.W. 69/3. The total number of villages is 34 and out of them 33 are situate in Tehsil Fazilka. Exhibit P.W. 69/4 is the recommendation of Shri Lajinder Singh Bedi, M.L.A. for construction of Janjghars (Dharamshalas) for Harijans. The number of villages is 15. It appears that when the Chief Minister was made a party to the election petition, he made enquiries as to whether he had passed orders regarding Dharamshalas or not. This is clear from the note on Exhibit P.W. 69/5 which is to the following effect :—

"As verbally requested please do the needful as the information is required by C.M. on Monday, the 17th May, 1971, positively.

Sd/- Balbir Singh."

Exhibits P.W. 69/6 and P.W. 69/7 are to the same effect. Exhibit P.W. 69/8 is the letter dated 14th May, 1971, from the Districts Welfare Officer, Ferozepore to the Director, Social Welfare Department, Punjab, Chandigarh, giving the requisite information and it is in the following terms :—

"The applications with regard to the villages Pake Kalewal, Chak Gulam Rasul, Banwala, Tippar Wali, Koharian Wali, Theh Kalandar, Kerian, Wali, Bage Wali, Nihal Khera, Doongar Khera, Ihungian Wali, Sedanwala, Ghallu, Khui Khera, are sent to you through Shri Raji Dass. So far as villages Depal Wali and Koharian Wali are concerned, the applications concerning these villages have already been sent to you vide this office letter No. 643 dated 25th February, 1971, and letter No. 426 dated 9th February, 1971.

So far as the applications concerning Muktsar Tehsil are concerned, these applications have not been received in this office alongwith the approved list. Efforts may kindly be made for the purposes of tracing out these applications in the head office".



Forty applications concerning para one above were received in this office along-with approved list No. 5235-39 dated 29-3-1971. These applications are sent herewith back to you through Shri Ramji Dass. The remaining applications have not been received in this office. Better these applications be traced out in the head office."

Exhibit P.W. 69/9 is the order of the Chief Minister dated 19th March, 1971, and reads thus :—

"On my visit to Muktsar it was brought to my notice that out of those Dharamshalas which have been approved by the Government, money has not been released to some of them. I wish that before the expiry of 31st of March, 1971, money may kindly be got disbursed to all those Dharamshalas of those villages which have been approved by the Government."

On this, there is a note of the Director of the same date to the following effect :—

"In this connection, out of the enclosed list money has been released to almost all the villages and sent to District Welfare Office, Ferozepore, during the 1st week of March through R.T.Rs. The District Welfare Officer is being further directed to get the payments made at the earliest in consultation with the concerned D.O."

The order of the Chief Minister dated 4th of March, 1971, of which a mention has been made in Exhibit P.W. 69/5 has not been produced in this case. The fact that such an order was passed by the Chief Minister is mentioned in paragraph 22(iv) of the petition.

It will appear from these documents that the proposals for the construction of Dharamshalas wanted from proper sources. All that the Chief Minister tried to do was to get the payment of the grants expedited. Whether he succeeded in his attempt or not is not clear from the record. In evidence, it is sought to be established that the Chief Minister went to village Kauni and held a meeting there on the 25th or 26th January, 1971, where in the promises for the Dharamshalas were made. See the statement of the petitioner as P.W. 102. With regard to village Kauni, the date of the R.T.R. is not mentioned in Annexure H. G. II.

Now, I proceed to deal with the oral evidence. The learned counsel for the petitioner has only relied on the testimony of P.W. 52 Surain Singh, P.W. 54 Inder Singh P.W. 69 Harnam Singh, P.W. 85 Radha Kishan, P.W. 99 Surjit Singh and P.W. 102 Shri Iqbal Singh petitioner.

P.W. 52 Surain Singh of village Shersinghwal stated :—

"There was an incomplete Dharamshala of the Harijans in the village. They (the Harijans) wanted funds for the completion of the Dharamshala building. The Chief Minister then sanctioned Rs. 2,000 for the repair of the Dharamshala. The money was later on received and the building of the Dharamshala has been completed".

In cross-examination, he admitted that his son had been defeated by Gurdev Singh Badal in the last Assembly election. His son had contested the poll on the Congress ticket whereas Gurdev Singh Badal contested the poll on Akali ticket. He is a petitioner in the election petition filed against the returned candidate, i.e., Gurdev Singh Badal. He is specific that what he stated in Court he mentioned it to Mukhtiar Singh and Mukhtiar Singh took it down in writing. What he has deposed to was done at a meeting held ten days before the poll which was addressed by the Chief Minister. His testimony cannot be relied upon because he has enmity with the Badal family. What he mentioned to Mukhtiar Singh has not been mentioned in the election petition. He is an active Congressman and is a partisan. Moreover, he was cited for one purpose and in addition to that he has deposed on other matters for which he was not cited.

P.W. 54 Inder Singh of V. Machaki Kalan stated that the Chief Minister visited his village 8 or 10 days before the poll. The Chief Minister addressed the villagers and in that

meeting demands were made by the villagers and he promised to give Rs. 5,500 for the Dharamshala. In cross-examination, he stated that the sum of Rs. 5,500 was paid but not in his presence. He is a Congressman since 1946-47 and was supporting the petitioner in the Parliamentary poll. Accepting that he has no animus against the Badal family, his testimony suffers from the same defect as that of P.W. 52 Surain Singh, and for the same reasons no reliance can be placed on it. Moreover, his testimony does not show that any promise was held out by the Chief Minister to induce electors to vote for his brother.

P.W. 69 Harnam Singh is an official witness and has merely deposed to the manner in which the grants had to be made and were made.

P.W. 85 Radha Kishan, ex-Minister, stated that :—

"Shri Parkash Singh Badal went to these villages to canvass for his brother. When Shri Parkash Singh Badal visited Khui Khara, he held out promises to the Harijan electors. He said that a Dharamshala for the Harijans would be sanctioned. The officers who were accompanying the Chief Minister were asked to sanction the amount for the Dharamshala".

I have already discussed his testimony while dealing with the grant of gun licenses, and for the reasons recorded therein, I cannot rely on his bald statement. He is an associate and co-worker of the petitioner. However, the fact of the matter is that he does not talk of any bargain between the Chief Minister and the electors. Moreover, he is a weathercock and this fact goes a long way in not accepting his evidence because he can make any statement and shift his stand to suit his personal ends.

P.W. 96 Mohinder Singh of village Dod stated that Shri Parkash Singh Badal came to the village 7 or 8 days before the poll. He canvassed for his brother in the village gathering. The Harijans made a demand for a Dharamshala. Sadhu Singh Harijan made a demand for a Janjghar and said that if the demand was met with then Harijans will vote for his brother. The Chief Minister ordered that some amount be given. The money was received for the construction of Dharamshala and it was build. His testimony was objected to by the counsel for the returned candidate on the ground that the allegations are not mentioned in the election petition. It is clear from his testimony that the Chief Minister made no promise but only, as would be usual, took the course of least resistance. During the course of election, it is not possible for the supporter of any candidate to turn down the demands of the electorate but from that fact it cannot be spelled out that a positive promise or offer was made by the Chief Minister.

P.W. 99 Surjit Singh of village Ghuduwala stated that the Chief Minister came to the village 10 or 12 days before the poll. The villagers gathered and stated that "they were with the Chief Minister. The Harijans made a demand for a Dharamshala. He said that Dharamshala will be made and they should poll their votes for his brother. The Dharamshala has been constructed. The construction was started before the poll." His statement was objected to by the learned counsel for the returned candidate on the ground that no mention was made about any bargain regarding this village in the election petition. Moreover, there is no allegation regarding this village, i.e., Ghuduwala in the petition.

P.W. 102 is the petitioner. Regarding village Kauni, he stated "that votes should be polled for his brother and what-stated "that votes should be polled for his brother and what-ever assistance the villagers needed would be afforded to them in the shape of . . . Dharamshalas". This allegation is prominently missing in the election petition. In fact, this is the tenor of his statement regarding the various meetings addressed by the Chief Minister in which the petitioner was present. Much reliance cannot be placed on the testimony of the petitioner. It is significant that a sum of rupees fifty lacs had to be spent in the whole of Punjab which then consisted of eleven districts by 31st of March, 1971, for construction of Dharamshalas for Harijans or on the repair of existing ones. According to the allegations made in the petition, not more than two lacs was disbursed in the two districts. However, it is very astonishing that the petitioner, who claims that this disbursement was a corrupt practice and he had

knowledge of it, did not move his little finger at the relevant time. Not only this, the facts which were within the knowledge of the petitioner have not been mentioned in the election petition. What appears is that at the time when the election petition was in contemplation, it was discovered that amounts for Harijan Dharamshalas had been sanctioned during this period and on that the allegation of corrupt practice has been founded. The evidence led on this part of the case suffers from the same defects as that led in the case of gun licenses. On the admitted and proved facts, the case fairly and squarely falls within the rule laid down by the Supreme Court in *Ghans Ram's case*, *Om Prabha Jain's case* and *H. V. Kamath v. C. H. Nitraj Singh*, AIR 1970 S.C. 211.

For the reasons recorded above, issue No. 1 is decided against the petitioner.

I have dealt with the entire case on the basis that the Chief Minister was the agent of the returned candidate. That is the highest at which the petitioner's case can be put. There was lot of argument on the question whether the Chief Minister was the agent of the returned candidate or not. I have not dwelt on this matter, because I have proceeded to deal with the case on the assumption that the Chief Minister was the agent of the returned candidate. In fact, Mr. Sibal frankly and fairly conceded that in view of the close connection between the Chief Minister and the returned candidate and the fact that the Chief Minister was canvassing for his brother, he would not like the case to be merely decided on the basis that the Chief Minister was not the agent of the returned candidate. In fact, the entire trend of the argument was on the basis that it may be assumed that the Chief Minister was the agent of the returned candidate.

After giving the case my careful consideration, I have come to the conclusion that none of the corrupt practices have been proved beyond a reasonable doubt. It is well-settled that an election should not be lightly set aside and unless a clear case is made out, this Court will not do so.

For the reasons recorded above, this petition fails and is dismissed with costs which are assessed at Rs. 250.

As the main petition has been dismissed, the recriminatory petition cannot be tried, and becomes infructuous and is also dismissed, with no order as to costs.

Sd/- D. K. MAHAJAN, Judge.

[No. MT-LA/194/72(40)]

V. NAGASUBRAMANIAN, Secy.

नई दिल्ली, 27 जुलाई, 1973

का० प्रा० 2460.—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए उड़ीसा विधान सभा के लिए साधारण निर्वाचन के लिए 58 दासपल्ला (अ० आ०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मंगुली सेठी, ग्राम एवं पो० प्रा० महिपुर, जिला पुरी, उड़ीसा राज्य लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मंगुली सेठी को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उड़ीसा-वि०सं०/58/71]

## ORDER

New Delhi, the 27th July, 1973

S.O. 2460.—Whereas the Election Commission is satisfied that Shri Manguli Sethi, Village and P. O. Mahipur, District Puri, Orissa State, a contesting candidate for election to the Orissa Legislative Assembly from 58-Daspalla (SC) constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And Whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure.

Now, Therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Manguli Sethi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. OR-LA/58/71]

## आदेश

का० प्रा० 2461.—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए उड़ीसा विधान सभा के लिए साधारण निर्वाचन के लिए 115-ब्रज-राजनगर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सलेकराम नायक ग्राम तथा पो० काटापाली, बाया बेलपाहार, जिला संबलपुर, उड़ीसा राज्य लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सलेकराम नायक को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उड़ीसा-वि०सं०/115/71]

## ORDER

S.O. 2461.—Whereas the Election Commission is satisfied that Shri Salekram Nayak, Village & Post Office Katapali, Via-Balpahar District Sambalpur, Orissa State, a contesting candidate for election to the Orissa Legislative Assembly from 115-Brajarajnagar constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not lodged the account of his election expenses and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Salekram Nayak to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. OR-LA/115/71]



## प्रादेश

नई दिल्ली, 30 जुलाई, 1973

का० प्रा० 2462.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए पश्चिमी बंगाल विधान सभा के लिए साधारण निर्वाचन के लिए 114-मथुरापुर (अ० जा०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री निरापद हलधर, ग्राम लक्ष्मीनारायनपुर, पो० लक्ष्मीनारायनपुर, जिला 24-परगना (पश्चिमी बंगाल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तब्दीन बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा वाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री निरापद हलधर को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस प्रादेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० प० ब०-वि० सं०/114/71(79)]

ए० एन० सेन, सचिव

## ORDER

New Delhi, the 30th July, 1973

S.O. 2462.—Whereas the Election Commission is satisfied that Shri Nirapada Halder, Village Lakshminarayanpur, P.O. Uttar Lakshminarayanpur, district 24-parganas (West Bengal) a contesting candidate for election to the West Bengal Legislative Assembly from 114-Mathurapur (SC) constituency, held in March 1971 has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Nirapada Halder to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/114/71(79)]

A. N. SEN, Secy.

नई दिल्ली, 6 अगस्त, 1973

का० प्रा० 2463.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए निर्वाचन आयोग पांडिचेरी सरकार के परामर्श से श्री बी० रामकृष्ण राव के स्थान पर, श्री ए० चन्द्रशेखर मेनन सचिव, पांडिचेरी सरकार, विधि तथा श्रम विभाग को, पांडिचेरी संघ राज्य क्षेत्र के लिए मुख्य निर्वाचन आफिसर के रूप में, उनके द्वारा उक्त पद का कार्यभार ग्रहण किए जाने की तारीख से, अगले प्रादेशों तक एतद्द्वारा नामनिर्देशित करता है।

[सं० 154/पांडि०/73]

New Delhi, the 6th August, 1973

S.O. 2463.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Government of Pondicherry, hereby nominates Shri A. Chandrasekhara Menon, Secretary to the Government of Pondicherry in the Law and Labour Department, as the Chief Electoral Officer for the Union Territory of Pondicherry, with effect from the date he assumes charge of that office and until further orders vice Shri Ch. Ramakrishna Rao.

[No. 154/POND/73]

नई दिल्ली, 7 अगस्त, 1973

का० प्रा० 2464.—लोक प्रतिनिधित्व अधिनियम, 1950 की धारा 13क की उपधारा (1) के उपबंधों के अनुसरण में तथा यथा संशोधित अपनी अधिसूचना सं० 508/हर०/66, तारीख 22 दिसम्बर, 1966 को अधिकांत करते हुए, निर्वाचन आयोग हरयाणा राज्य सरकार के परामर्श से, हरयाणा राज्य के हरेक जिले के उप आयुक्त को उस जिले के लिए जिला निर्वाचन आफिसर एतद्द्वारा पदाभिहित करता है।

[सं० 508/हर०/73]

New Delhi, the 7th August, 1973

S.O. 2464.—In pursuance of the provisions of sub-section (1) of section 13AA of the Representation of the People Act, 1950 and in supersession of its Notification No. 508/HN/66, dated the 22nd December, 1966, as amended, the Election Commission, in consultation with the Government of Haryana hereby designates the Deputy Commissioner of each district in the State of Haryana to be the District Election Officer for that district.

[No. 508/HN/73]

नई दिल्ली, 13 अगस्त, 1973

का० प्रा० 2465.—लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 21 के उपबंधों के अनुसरण में भारत निर्वाचन आयोग एतद्द्वारा निदेश देता है कि उसकी अधिसूचना सं० 434/हर०/71 तारीख 23 जुलाई, 1971 में निम्नलिखित संशोधन किए जाएंगे, अर्थात्:—

उक्त अधिसूचना से सलगन सारणी के स्तंभ 2 में क्रम सं० 3 और 8 के सामने विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी:—

3. कैथल उपायुक्त, कुरुक्षेत्र।

8. हिसार उपायुक्त, भिवानी।

[सं० 434/हर०/73]

New Delhi, the 13th August, 1973

S.O. 2465.—In pursuance of the provisions of section 21 of the Representation of the People Act, 1951, the Election Commission hereby directs that the following amendments shall be made in its Notification No. 434/HN/71 dated the 23rd July, 1971, namely:—

In column 2 of the Table appended to the said notification against S. Nos. 3 and 8 for the existing entries the following entries shall be substituted:—

3. Kaithal Deputy Commissioner, Kurukshetra.

8. Hissar Deputy Commissioner, Bhiwani.

[No. 434/HN/73]

का० प्रा० 2466.—लोक प्रतिनिधित्व अधिनियम 1951 की धारा 22 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग एतद्वारा निवेश देता है कि उसकी अधिसूचना सं० 434/हर०/71 (1) तारीख 23 जुलाई, 1971 में आगे निम्नलिखित शोधन और किए जाएँ, अर्थात् उक्त अधिसूचना में सलग्न सारणी के स्तम्भ 2 में—

- (1) मद सं० 2 "2—करनाल संसदीय निर्वाचन क्षेत्र के रिटर्निंग आफिसर" के सामने प्रविष्टि सं० 4 के पश्चात् "5 अतिरिक्त सामान्य सहायक करनाल" प्रविष्टि जोड़ी जाएगी।
- (2) मद सं० 3 "3—कैथल संसदीय निर्वाचन क्षेत्र के रिटर्निंग आफिसर" के सामने विद्यमान प्रविष्टि "2—अतिरिक्त सामान्य सहायक, करनाल के स्थान पर" 2—अतिरिक्त सामान्य सहायक कुरुक्षेत्र" प्रविष्टि प्रतिस्थापित की जाएगी तथा प्रविष्टि 4 के पश्चात् "5 सामान्य सहायक जींद" प्रविष्टि जोड़ी जाएगी।
- (3) मद सं० 5-5 जहाज संसदीय निर्वाचन क्षेत्र के रिटर्निंग आफिसर के सामने प्रविष्टि सं० 4 के पश्चात् "5—सामान्य सहायक, सोनीपत" प्रविष्टि जोड़ी जाएगी।
- (4) मद सं० 8 "8—हिसार संसदीय निर्वाचन क्षेत्र के रिटर्निंग आफिसर" प्रविष्टि के सामने विद्यमान प्रविष्टि "4-उपखंड आफिसर, हिसार" के स्थान पर "4-सामान्य सहायक, हिसार" प्रविष्टि तथा विद्यमान "5 सामान्य सहायक, हिसार" प्रविष्टि के स्थान पर "5-सामान्य सहायक भिवानी" प्रविष्टि प्रतिस्थापित की जाएगी।

[सं० 434/हर०/71(1)]

बी० एन० भारद्वाज,  
सचिव

S.O. 2466.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951 the Election Commission hereby directs that the following further amendments shall be made in its notification No. 434/HN/71(1), dated the 23rd July, 1971, namely:—

In column 2 of the Table appended to the said notification—

- (i) against item "2 Returning Officer of 2-Karnal Parliamentary Constituency" after the entry 4, the entry "5-Additional General Assistant, Karnal" shall be added.
- (ii) against item "3-Returning Officer of 3-Kaithal Parliamentary Constituency" after the entry 4, the entry "Additional General Assistant, Karnal" the entry "2-Additional General Assistant, Kurukshetra" shall be substituted and after the entry 4, the entry "5-General Assistant, Jind" shall be added.
- (iii) against item "5-Returning Officer of 5-Jhajjar Parliamentary Constituency" after the entry 4, the entry "5-General Assistant, Sonapat" shall be added.
- (iv) against item "8-Returning Officer of 8-Hissar Parliamentary Constituency" for the existing entry "4-Sub-Divisional Officer Hissar" the entry "4-General Assistant, Hissar" and for the existing entry "5-General Assistant, Hissar" the entry "5-General Assistant Bhiwani" shall be substituted.

[No. 434/HN/73(1)]

B. N. BHARDWAJ, Secy.

विधि, व्यापक तथा कम्पनी कार्य संचालय  
(कम्पनी कार्य विभाग)

नई दिल्ली, 17 अगस्त, 1973

का० प्रा० 2467.—एकाधिकार एवं निबन्धनकारी व्यापार प्रथा अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में, केन्द्रीय सरकार एतद्वारा मैमर्स रैक्टि

एण्ड कोलमैन आफ इंडिया लि० के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 362/70 दिनांक 27 अक्तूबर 1970) के निरस्तिकरण को अधिसूचित करती है।

[संख्या 9/225/70 एस० 2]

आई० एल० नागपाल अवर सचिव

**MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS**  
(Department of Company Affairs)

New Delhi, the 17th August, 1973

S.O. 2467.—In pursuance of sub-section (3) of section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of registration of M/s. RECKITT & COLMAN OF INDIA LTD. under the said Act (Certificate of Registration No. 362/70 dated the 27th October, 1970).

[No. 9/225/70-M(II)]

I. L. NAGPAL, Under Secy.

वित्त संचालय  
(राजस्व और बीमा विभाग)

नई दिल्ली, 9 जुलाई, 1973

आय-कर

का० प्रा० 2468.—आय कर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री एम० एस० राजोरिया को जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं उक्त अधिनियम के अधीन कर-बसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. अधिसूचना सं० 146 (फा० सं० 404/235/72-आई टी सी सी) तारीख 28 जुलाई, 1972 में की गई श्री जोगेंद्र सिंह की नियुक्ति को 10 जुलाई, 1973 से रद्द किया जाता है।

3. यह अधिसूचना 10 जुलाई, 1973 से प्रवृत्त होगी।

[सं० 416 (फा० सं० 404/128/73 आई टी सी सी)]

एम० एन० नम्बियार, अवर सचिव

**MINISTRY OF FINANCE**  
(Department of Revenue and Insurance)

New Delhi, the 9th July, 1973

**Income-Tax**

S.O. 2468.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri M. S. Rajoria who is a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. The appointment of Shri Joginder Singh made in Notification No. 146 (F. No. 404/235/72-ITCC) dated 28th July, 1972 is cancelled with effect from 10th July, 1973.

3. This Notification shall come into force with effect from 10th July, 1973.

[No. 416 (F. No. 404/128/73-ITCC)]

M. N. MAMBIAR, Under Secy.

## आय-कर विभाग

भोपाल, 4 अगस्त, 1973

का० प्रा० 2469-यतः केन्द्रीय सरकार की राय है कि ऐसे निर्धारितियों के नामों और उनके सम्बन्ध में अन्य विशिष्टियों का प्रकाशित किया जाना शोक हित में आवश्यक और समीचीन है :—

- (i) जो व्यष्टि या हिन्दू अविभक्त कुटुम्ब हैं, जिनका निर्धारण वित्तीय वर्ष 1972-73 के दौरान एक लाख रुपये से अधिक की आय के लिए किया गया है,
- (ii) जो फर्म, व्यक्तियों के संगम या कम्पनियां हैं जिनका निर्धारण वित्तीय वर्ष 1972-73 के दौरान दस लाख रुपये से अधिक की आय के लिए किया गया है,

और यतः आयकर अधिनियम, 1961 (1961 का 43) की धारा 287 द्वारा, केन्द्रीय सरकार द्वारा अपने आदेश तारीख 25 मार्च, 1969 द्वारा इस निमित्त मुद्रको प्रवृत्त शक्तियों का प्रयोग करते हुए, मैं, आयकर आयुक्त, मध्यप्रदेश, भोपाल इसमें उपाबन्ध अनुसूची 1 और 2 में नामों और अन्य विशिष्टियों को एतद्वारा प्रकाशित करता हूँ :—

## अनुसूची-1

ऐसे सभी व्यष्टियों और हिन्दू अविभक्त कुटुम्बों के नाम जिनका निर्धारण वित्तीय वर्ष 1972-73 के दौरान एक लाख रुपये से अधिक की आय के लिये किया गया :—

क्रम सं०	निर्धारितों का नाम और पता	प्राप्ति	निर्धारण वर्ष	निर्धारित आय	टिप्पणियां
1	2	3	4	5	6
1.	श्री अनूपचन्द, द्वारा-बभूतमल सोनराज, राजनन्दगांव . . . . .	हिन्दू अविभक्त कुटुम्ब	1970-71	4,73,430-00	
2.	श्री अनराज पुत्र धनराज, बागबहारा जिला रायपुर . . . . .	"	1972-73	1,15,490-00	
3.	श्री अष्टुल अजीज खान, भोपाल . . . . .	व्यष्टि	1971-72	1,02,140-00	
4.	श्री बाबूराव पिम्पलापुरे, द्वारा-ब्रजलाल मनीलाल एण्ड कंपनी, सागर . . . . .	"	1970-71	2,08,040-00	
5.	श्री बैजनाथसिंह, कटनी . . . . .	"	1972-73	1,41,680-00	
6.	श्री बकौर भाई पटेल, द्वारा-मैसर्स पी० डी० एण्ड कंपनी, रायपुर . . . . .	"	1972-73	1,04,550-00	
7.	श्रीमती वानू शं० कावसजी, महु . . . . .	"	1970-71	1,08,340-00	
8.	" . . . . .	"	1971-72	1,00,180-00	
9.	श्रीमती विनीता वर्मा, निवास . . . . .	"	1970-71	1,49,530-00	
10.	श्री भगवानदास जैन, भागीदार शोभालाल भगवानदास, सागर . . . . .	हिन्दू अविभक्त कुटुम्ब	1971-72	3,55,920-00	
11.	" . . . . .	"	1972-73	3,27,240-00	
12.	श्री चम्पालाल रविशंकर, छिन्दवाड़ा . . . . .	"	1970-71	1,03,110-00	
13.	वेगम सुरैया रशीद, भोपाल . . . . .	व्यष्टि	1960-61	1,56,570-00	
14.	श्री डालचन्द जैन द्वारा-मैसर्स शोभालाल भगवानदास, सागर . . . . .	हिन्दू अविभक्त कुटुम्ब	1971-72	3,56,101-00	
15.	" . . . . .	"	1972-73	3,22,290-00	
16.	श्री गोपालराव पिम्पलापुरे द्वारा-ब्रजलाल मनीलाल एण्ड कंपनी, सागर . . . . .	व्यष्टि	1970-71	1,68,070-00	
17.	श्री जी०के० नागौरी, लखर . . . . .	"	1972-73	1,10,620-00	
18.	श्री हरीभाई पटेल, द्वारा-मैसर्स पी० डी० एण्ड कंपनी, रायपुर . . . . .	"	1972-73	1,05,500-00	
19.	श्री हुकुमचंद जैन, भागीदार शोभालाल भगवानदास, सागर . . . . .	व्यष्टि	1971-72	3,57,280-00	
20.	" . . . . .	"	1972-73	3,36,150-00	
21.	श्री आई० एच० पारिख द्वारा-जी०आर० प्ररुणा नागदा . . . . .	हिन्दू अविभक्त कुटुम्ब	1972-73	1,10,100-00	
22.	श्री जे० आर० बिरला, सतना . . . . .	व्यष्टि	1972-73	1,21,648-00	
23.	श्रीमती ज्योत्सनावी पटेली, भागीदार मैसर्स मोहनलाल हरगोविन्ददास जबलपुर . . . . .	"	1971-72	1,16,622-00	
24.	श्री केणवसाव अग्रवाल, कटनी . . . . .	हिन्दू अविभक्त कुटुम्ब	1972-73	5,65,410-00	
25.	श्री केवलचन्द पुत्र अमोलकचंद, रायपुर . . . . .	व्यष्टि	1972-73	1,02,100-00	
26.	सरदार कर्तारसिंह, राजनन्दगांव . . . . .	हिन्दू अविभक्त कुटुम्ब	1970-71	2,85,820-00	
27.	श्री काशीराम गुप्ता, लखर . . . . .	व्यष्टि	1972-73	1,37,020-00	
28.	श्री मधुकरराव पिम्पलापुरे भागीदार ब्रजलाल मनीलाल एण्ड कंपनी, सागर . . . . .	"	1970-71	1,76,250-00	
29.	श्री महेन्द्रकुमार मालिया भागीदार महेन्द्र आयल मिल्स सागर . . . . .	हिन्दू अविभक्त कुटुम्ब	1970-71	1,74,390-00	
30.	श्री महेन्द्रकुमार एवं विजयकुमार विधिकवारिस स्व० श्री गोभाराम मालवीया सागर . . . . .	व्यष्टि	1970-71	1,48,750-00	
31.	एच०एच० महाराजा मातण्ड सिंह जू देव रीवा . . . . .	हिन्दू अविभक्त कुटुम्ब	1970-71	8,81,030-00	

1	2	3	4	5	6
32.	श्री मानकचन्द जैन, भागीदार मैसर्स शोभालाल भगवानदास, सागर	व्यष्टि	1971-72	3,91,660-00	
33.	"	"	1972-73	3,76,880-00	
34.	श्री नरसीभाई पटेल, द्वारा—पी० डी० एण्ड कंपनी, बैजनाथ पारा, रायपुर	"	1972-73	1,04,040-00	
35.	मैसर्स नेशनल ट्रेडिंग कारपोरेशन, मुरई मोहल्ला, इन्दौर	"	1970-71	1,50,000-00	
36.	श्री नरेन्द्रकुमार पटेल, द्वारा—मैसर्स ब्रजलाल मनीलाल एण्ड कंपनी, सागर	"	1970-71	1,92,730-00	
37.	डा० जे० जे० नैकरकर, प्रो० सुमीता लेबोरेटरीज, इन्दौर	"	1970-71	1,12,550-00	
38.	श्री एन० सी० जमींदार, 26, रावजी बाजार, इन्दौर	हिन्दू अविभक्त कुटुम्ब	1970-71	1,08,841-00	
39.	श्रीमती नीना पी पटेल, द्वारा—मैसर्स मोहनलाल हरगोविन्ददास, जबलपुर	व्यष्टि	1971-72	1,00,610-00	
40.	श्री परमानन्द भाई पटेल, भागीदार मैसर्स मोहनलाल हरगोविन्ददास, जबलपुर (हि० प्र० कु०)	हिन्दू अविभक्त कुटुम्ब	1970-71	2,19,160-00	
41.	"	"	1970-71	4,59,885-00	
42.	श्री पुरुषोत्तम भाई पटेल, द्वारा—पी० डी० एण्ड कंपनी, बैजनाथ पारा, रायपुर	व्यष्टि	1972-73	1,06,040-00	
43.	श्री प्रेमचन्द जैन, भागीदार मैसर्स शोभालाल भगवानदास, सागर	हिन्दू अविभक्त कुटुम्ब	1971-72	3,55,500-00	
44.	"	"	1972-73	3,31,820-00	
45.	कुमारी रूपबेन पी० पटेल, गोले बाजार, जबलपुर	व्यष्टि	1971-72	1,15,350-00	
46.	श्री शान्तिलाल, विधिक वारिस स्व० श्री श्यामजी आनन्द जी, संयोगितागंज, इन्दौर	"	1952-53	1,75,440-00	
47.	एच० एच० शमिष्ठाबाई होल्कर, इन्दौर	"	1970-71	1,54,370-00	
48.	श्री सीताराम गुप्ता, लखर	"	1972-73	1,01,440-00	
49.	श्री सिद्धार्थकुमार पटेल, द्वारा—मैसर्स मोहनलाल हरगोविन्ददास जबलपुर	"	1970-71	21,39,120-00	
50.	श्री परमानन्द भाई पटेल एवं ज्योत्सनादेवी पटेल विधिक वारिस स्व० श्रीमती उज्ज्वलाबाई, द्वारा—मोहनलाल हरगोविन्ददास, जबलपुर	"	1970-71	5,62,490-00	
51.	श्री श्रवणकुमार पटेल, द्वारा—मैसर्स मोहनलाल हरगोविन्ददास, जबलपुर	"	1970-71	21,27,742-00	
52.	श्री शोभालाल जैन, भागीदार मैसर्स शोभालाल भगवानदास, सागर	हिन्दू अविभक्त कुटुम्ब	1971-72	4,66,280-00	
53.	"	"	1972-73	4,56,760-00	
54.	श्री शिखरचंद जैन, भागीदार मैसर्स शोभालाल भगवानदास, सागर	व्यष्टि	1971-72	3,59,400-00	
55.	"	"	1972-73	3,28,130-00	
56.	एच० एच० ऊषादेवी, इन्दौर	"	1967-68	10,44,399-00	
57.	"	"	1968-69	6,69,980-00	
58.	"	"	1969-70	8,75,570-00	

## अनुसूची—2

आयकर अधिनियम, 1961 की धारा 287 के अधीन ऐसी सभी फर्मों, व्यक्तियों के संगमों और कंपनी के नामों का प्रकाशन जिसका निर्धारण वित्तीय वर्ष 1972-73 के दौरान वस लाख रुपये से अधिक की आय के लिए किया गया :—

1	2	3	4	5	6
1.	मैसर्स बी० के० इलावा एण्ड सन्स, 120, सिमरोल रोड, महु	रजिस्टर्ड फर्म	1968-69	11,50,520-00	
2.	मैसर्स भगवानदास शोभालाल, सागर	"	1971-72	37,03,380-00	
3.	"	"	1972-73	34,18,750-00	
4.	मैसर्स सेल्टूल इंडिया मेन्यूफैक्चरिंग कंपनी लिमिटेड, लखर	कंपनी	1967-68	14,06,200-00	
5.	ग्वालियर रेयान सिलक मेन्यूफैक्चरिंग (बीविंग) कंपनी लिमिटेड बिरला ग्राम, नागवा	"	1970-71	6,68,05,328-00	
6.	मैसर्स इंडिया थर्मिट कारपोरेशन, लखर	"	1972-73	31,17,434-00	
7.	मैसर्स मोहनलाल हरगोविन्ददास, जबलपुर	रजिस्टर्ड फर्म	1970-71	57,25,420-00	
8.	एम० पी० फायनेन्सियल कारपोरेशन, इन्दौर	कंपनी	1970-71	13,02,635-00	
9.	"	"	1971-72	13,72,090-00	
10.	मालवा वनस्पति एण्ड केमीकल्स लिमिटेड	"	1970-71	32,06,000-00	
11.	श्री सत्यरू सेवा संघ ट्रस्ट, 156 भवर कुआ, इन्दौर	व्यक्तियों का संगम	1970-71	21,24,610-00	
12.	ब्रजलाल मनीलाल एण्ड कंपनी, सागर	रजिस्टर्ड फर्म	1970-71	12,99,854-00	

[सी. सी. एस. 9/73-74]

के० जगन्नाथन, आयकर आयुक्त, मध्यप्रदेश, भोपाल

## (INCOME-TAX DEPARTMENT)

Bhopal, the 4th August, 1973

S. O. 2469.—WHEREAS Central Government is of the opinion that it is necessary and expedient in public Interest to publish the names and other Particulars of the assesseees :—

(i) being individuals of Hindu Undivided Families who have been assessed on an income of more than one lakh of rupees.

(ii) being firms, Associations of Persons or Companies who have been assessed on an income of more than ten lakh of rupees, during the financial year 1972-73 and whereas in exercise of the powers conferred by section 287 of the Income tax Act, 1961 (43 of 1961) in this behalf on me by the Central Government by its order dated 25th March, 1969 I, the commissioner of Income tax, Madhya Pradesh, Bhopal hereby publish the names and other particulars in the scheduled I & II hereto annexed :—

## SCHEDULE—I

Names of all Individuals, &amp; H.U.F. Assessed on Income of over Rs. 1,00,000 during the financial year 1972-73

Sl. No.	Name & address of the assesseees	Status	Asstt. Year	Income assessed	Remarks
1	2	3	4	5	6
1.	Shri Anoopchand, C/o Babhutmal Sonraj, Rajnandgaon.	H.U.F.	70-71	4,73,430	
2.	Shri Araj S/o Dhanraj Bagbahra, Distt. Raipur	H.U.F.	72-73	1,15,490	
3.	Shri Abdul Aziz Khan, Bhopal	Indl.	71-72	1,02,140	
4.	Shri Baburao Pimplapure, C/o Vrajilal Manilal and Company, Sagar	Indl.	70-71	2,08,040	
5.	Shri Baijnath Singh, Katni	Indl.	72-73	1,41,680	
6.	Shri Bakor Bhai Patel, C/o M/s P.D. & Co., Raipur	Indl.	72-73	1,04,550	
7.	Smt. Banu E. Cowasji, Mhow.	Indl.	70-71	1,08,340	
8.	-do-	Indl.	71-72	1,00,180	
9.	Smt. Benita Verma, Nivas	Indl.	70-71	1,49,530	
10.	Shri Bhagwandas Jain, P/o Sobhalal Bhagwandas, Sagar	H.U.F.	71-72	3,55,920	
11.	-do-	H.U.F.	72-73	3,27,240	
12.	Shri Champalal Ravishankar, Chhindwara	H.U.F.	70-71	1,03,110	
13.	Begum Suriya Rasheed, Bhopal	Indl.	60-61	1,56,570	
14.	Shri Dalchand Jain C/o M/s. Sobhalal Bhagwandas, Sagar	H.U.F.	71-72	3,56,101	
15.	-do-	H.U.F.	72-73	3,22,290	
16.	Shri Gopalrao Pimplapure P/o Vrajilal Manilal & Company, Sagar	Indl.	70-71	1,68,070	
17.	Shri G.K. Nagory, Lashkar	Indl.	72-73	1,10,620	
18.	Shri Haribhai Patel, C/o M/s. P.D. & Company, Raipur	Indl.	72-73	1,05,500	
19.	Shri Hukumchand Jain, P/o Sobhalal Bhagwandas, Sagar.	Indl.	71-72	3,57,280	
20.	-do-	Indl.	72-73	3,36,150	
21.	Shri I.H. Parikh, C/o C.R. Arun, Nagda.	H.U.F.	72-73	1,10,100	
22.	Shri J.R. Birla, Satna.	Indl.	72-73	1,21,648	
23.	Smt. Jyotshna Devi Patel, P/o M/s. Mohanlal Hargovinddas, Jabalpur.	Indl.	71-72	1,61,622	
24.	Shri Kesheopd. Agarwal, Katni.	H.U.F.	72-73	5,65,410	
25.	Shri Kewalchand S/o Amolakchand, Raipur.	Indl.	72-73	1,02,100	
26.	Sardar Kartar Singh, Rajnandgaon.	H.U.F.	70-71	2,85,820	
27.	Shri Kashiram Gupta, Lashkar	Indl.	72-73	1,37,020	
28.	Shri Madhukar Rao Pimplapure, P/o Vrajilal Manilal & Co, Sagar.	Indl.	70-71	1,76,250	
29.	Shri Mahendra Kumar Maliya, P/o Mahendra Oil Mills, Sagar	H.U.F.	70-71	1,74,390	
30.	Shri Mahendra Kumar & Vijaya Kumar L/Hs of Late Shri Sobharam Maliya, Sagar	Indl.	70-71	1,48,750	
31.	H.H. Maharaja Martand Singh Judeo of Rewa	H.U.F.	70-71	8,81,030	
32.	Shri Manakchand Jain P/o M/s. Sobhalal Bhagwandas, Sagar	Indl.	71-72	3,91,660	
33.	-do-	Indl.	72-73	3,76,880	
34.	Shri Narshibhai Patel C/o P.D. & Co, Baijnathpara, Raipur	Indl.	72-73	1,04,040	
35.	M/s. National Trading Corporation, Murai Mohalla, Indore.	Indl.	70-71	1,50,000	
36.	Shri Narendra Kumar Patel, C/o M/s. Vrajilal Manilal & Company, Sagar	Indl.	70-71	1,92,730	
37.	Dr. J.J. Nerurkar, Prop. Sunita Laboratories, Indore	Indl.	70-71	1,12,550	
38.	Shri N.C. Zaminder, 26-Raoji Bazar, Indore	H.U.F.	70-71	1,08,841	
39.	Smt. Neena Patel, C/o M/s. Mohanlal Hargovinddas, Jabalpur	Indl.	71-72	1,00,610	
40.	Shri Parmanand Bhai Patel (HUF) P/o M/s. Mohanlal Hargovinddas, Jabalpur	H.U.F.	70-71	2,19,160	
41.	-do-	H.U.F.	70-71	4,59,885	
42.	Shri Parmannd Bhai Patel & Jyotshna Devi Patel L/H of late Smt. Ujjam Bhai C/o Mohanlal Hargovinddas, Jabalpur	Indl.	70-71	5,62,490	
43.	Shri Purshottambhai Patel, Co P.D. & C/o., Baijnathpara, Raipur.	Indl.	72-73	1,06,040	
44.	Shri Premchand Jain P/o M/s. Sobhalal Bhagwandas, Sagar	H.U.F.	71-72	3,55,500	
45.	-do-	H.U.F.	72-73	3,31,820	

1	2	3	4	5	6
46.	Miss Roopben P. Patel, Gole Bazar, Jabalpur	Indl.	71-72	1,15,350	
47.	Shri Shantilal L/H of late Shri Shyamji Anandji, Sanyogitaganj, Indore	Indl.	52-53	1,75,440	
48.	H.H. Sharmistabai Holkar of Indore	Indl.	70-71	1,54,370	
49.	Shri Sitaram Gupta, Lashkar	Indl.	72-73	1,01,440	
50.	Shri Sidharth Kumar Patel, C/o M/s Mohanlal Hargovinddas, Jabalpur	Indl.	70-71	21,39,120	
51.	Shri Shravan Kumar Patel, C/o M/s Mohanlal Hargovinddas, Jabalpur	Indl.	70-71	21,27,742	
52.	Shri Sobhalal Jain, P/o M/s Sobhalal Bhagwandas, Sagar	H.U.F.	71-72	4,66,280	
53.	-do-	H.U.F.	72-73	4,56,760	
54.	Shikharchand Jain P/o M/s Sobhalal Bhagwandas, Sagar	Indl.	71-72	3,59,400	
55.	-do-	Indl.	72-73	3,28,130	
56.	H.H. Usha Devi of Indore	Indl.	67-68	10,44,399	
57.	-do-	Indl.	68-69	6,69,980	
58.	-do-	Indl.	69-70	8,75,570	

## SCHEDULE II

Publication of names U/s 287 of the Income-tax Act, 1961 of all Firms, A.O.Ps &amp; Companies.

Assessed on income of over rupees Ten Lakh during the financial year, 1972-73

1	2	3	4	5	6
1.	M/s B.K. Illava & Sons, 120, Simrole Road, Mhow	R.F.	68-69	11,50,520	
2.	M/s Bhagwandas Sobhalal, Sagar	R.F.	71-72	37,03,380	
3.	-do-	R.F.	72-73	34,18,750	
4.	M/s Central India Manufacturing Company Ltd., Lashkar	Company	67-68	14,06,200	
5.	Gwalior Rayon Silk Mfg. (Wvg). Company Ltd., Birlagram, Nagda	Company	70-71	6,68,05,528	
6.	M/s India Thermit Corporation, Lashkar	Company	72-73	31,17,434	
7.	M/s Mohanlal Hargovinddas, Jabalpur	R.F.	70-71	57,25,420	
8.	M. P. Financial Corporation, Indore	Company	70-71	13,02,635	
9.	-do-	Company	71-72	13,72,090	
10.	Malwa Vanaspati & Chemicals Ltd.	Company	70-71	32,06,000	
11.	Shri Sadguru Sewa Sangh Trust, 156, Bhawar Kuwa, Indore	A.O.P.	70-71	21,24,610	
12.	Vrajilal Manilal & Co. Sagar.	R.F.	70-71	12,99,854	

[No. C.S. 9/73-74]

K. JAGANNATHAN,  
Commissioner of Income-tax, Madhya Pradesh, Bhopal.

## केंद्रीय उत्पाद-शुल्क और सीमा-शुल्क बोर्ड

नई दिल्ली, 1 सितम्बर, 1973

सीमा-शुल्क

का० प्रा० 2470.—सीमा-शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय उत्पाद-शुल्क और सीमा-शुल्क बोर्ड, राजस्थान राज्य में कोटा नगरपालिका क्षेत्र को भाषागारण घोषित करता है।

[सं० 119/73-सीमा-शुल्क/का० सं० 473/66/73-सीमा-शुल्क VII]

के० संकरारामन, प्रवर सचिव

(Central Board of Excise &amp; Customs)

New Delhi, the 1st September, 1973

Customs

S.O. 2470.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Kota Municipal area in the State of Rajasthan to be a warehousing station.

[No. 119/73-Customs/F. No. 473/66/72-Cus. VII]

K. SANKARARAMAN, Under Secy.

## बैंकिंग विभाग

नई दिल्ली, 14 अगस्त, 1973

का० प्रा० 2471.—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10B के उपबन्ध की बारी बोम्बाय बैंक लि०, होशियारपुर पर पहली फरवरी, 1974 तक लागू नहीं होंगे।

[सं० 15(6)बी०ओ० III/73]

रु. विकेश गुहा, प्रवर सचिव

(Department of Banking)

New Delhi, the 14th August, 1973

S.O. 2471.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 10B of the said Act shall not apply to the Bari Doab Bank Ltd., Hoshiarpur, till the 1st February 1974.

[No. 15(6)-B.O. III/73]

H. K. GUHA, Under Secy.

केन्द्रीय उत्पाद एवं सीमा-शुल्क समाहृतालय, पश्चिम बंग

कलकत्ता 20 जुलाई 1973

केन्द्रीय उत्पाद-शुल्क

का०आ० 2472.—ममाहृतालय की अधिसूचना सं० 3/1972 (केन्द्रीय उत्पाद-शुल्क) दिनांक 24 अप्रैल, 1962 के नियम 49 के समग्र स्तम्भ 2 में नर्देशित शब्द और अंक सं० 750/- के लिए शब्द और अंक सं० 1500/- प्रतिस्थापित किए जाएंगे।

[स० सी.एन.ओ. 4(16)9-सी.ई०/72]

एन०एन० राय चौधरी, समाहर्ता

COLLECTORATE OF CENTRAL EXCISE & CUSTOMS :  
WEST BENGAL

Calcutta, the 20th July, 1973

CENTRAL EXCISES

S.O. 2472.—In the Collectorate Notification No. 3/1962 (Central-Excise) dated 24th April, 1962, for the word and figures Rs. 750 appearing in Col. 2 against Rule 49, the word and figures Rs. 1500 shall be substituted.

[C. No. IV (16)9-CF/72]

N. N. ROYCHOUHURY, Collector.

आयकर आयुक्त कार्यालय, मध्य प्रदेश

भोपाल, 4 अगस्त, 1973

का०आ० 2473.—यह केन्द्रीय सरकार की राय है कि ऐसे निर्धारितियों के नामों और उनके संबंध में अन्य विशिष्टियों का प्रकाशित किया जाना लोक हित में आवश्यक और समीचीन है, जिन पर पांच-हजार रुपये से अत्यंत कोई शक्ति वित्तीय वर्ष 1972-73 के दौरान अधिरोपित की गई थी।

और यतः आयकर अधिनियम, 1961 (1961 का 43) की धारा 287 के द्वारा, केन्द्रीय सरकार द्वारा अपने आदेश तारीख 25 मार्च, 1969 द्वारा इस निमित्त मुझको प्रदत्त शक्तियों का प्रयोग करने हुए, मैं, आयकर आयुक्त, मध्यप्रदेश, भोपाल, इससे उपाखण्ड अनुसूची 1 से 3 में नामों और अन्य विशिष्टियों को एतद्वारा प्रकाशित करता हूँ—

## अनुसूची - 1

जहां कोई भी अधीन उसके लिए अनुज्ञात समय के भीतर अधिकरण को प्रस्तुत नहीं की गयी थी या जहां उपस्थापित की गई अधीन वित्तीय वर्ष के दौरान निपटा दी गई हों वहां ऐसे निर्धारितियों जिन पर प्रत्येक मामले में पांच हजार रुपये से अत्यंत कोई शक्ति 1-4-1972 से प्रारम्भ होने वाली धीरे 31-3-73 को समाप्त होने वाली अवधि के दौरान आय के छिपाने के कारण अधिरोपित की गई थी।

क्रम सं०	निर्धारितियों का नाम और पता	प्रास्थिति	शक्ति की रकम	निर्धारण वर्ष जिसके संबंध में व्यक्ति-क्रम हुआ
1	2	3	4	5

-----निरंक-----

## अनुसूची-2

जहां कोई भी अधीन उसके लिए अनुज्ञात समय के भीतर सहायक आयुक्त (अधीन)/आयकर अधीन अधिकरण को प्रस्तुत नहीं की गई थी या जहां उपस्थापित की गई अधीन वित्तीय वर्ष के दौरान निपटा दी गई हों वहां ऐसे निर्धारितियों जिन पर प्रत्येक मामले में पांच हजार रुपये से अत्यंत कोई शक्ति 1-4-1972 से प्रारम्भ होने वाली और 21-3-1973 को समाप्त होने वाली अवधि के दौरान आय की विवरणी न देने या लेखा पुस्तकें पेश न करने या कानूनी सूचनाओं का अनुपालन न करने के कारण अधिरोपित की गई थी।

1	2	3	4	5
1.	श्री रामचन्द्र भूरा, सिवनी	व्यक्ति	5,117-00	1968-69
2.	"	"	7,491-00	1969-70
3	"	"	5,044-00	1970-71

## अनुसूची-3

जहां कोई अधीन उसके लिए अनुज्ञात समय के भीतर सहायक आयुक्त (अधीन)/आयकर अधीन अधिकरण को प्रस्तुत नहीं की गई थी या जहां उपस्थापित की गई, अधीन वित्तीय वर्ष के दौरान निपटा दी गई हो वहां ऐसे निर्धारितियों जिन पर प्रत्येक मामले में पांच हजार रुपये से अत्यंत कोई व्यक्ति 1-4-1972 से प्रारम्भ होने वाली और 31-3-1973 को समाप्त होने वाली अवधि के दौरान मिथ्या प्राक्कलन देने या स्वेच्छा अधिम कर या प्राक्कलन न देने या कर का संवाय न करने के कारण अधिरोपित की गई थी।

1	2	3	4	5
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-----निरंक-----

[स० सी. एस. 8/73-74]

के० जगन्नाथन, आयकर आयुक्त

## (OFFICE OF THE COMMISSIONER OF INCOME-TAX, MADHYA PRADESH)

C.s.8/73-74

Bhopal, the 4th August, 1973

**S.O. 2473.**—Whereas the Central Government is of the opinion that it is necessary and expedient in Public interest to publish the names and other particulars relating to assessee on whom a penalty of not less than Rs. 5000/- was imposed during the financial year 1972-73;

And whereas in exercise of the powers conferred by Section 287 of the Income-tax Act, 1961 (43 of 1961) in this behalf on me by the Central Government by its order dated 25th March, 1969, I, the Commissioner of Income-tax, Madhya Pradesh, Bhopal hereby publish the names and other particulars in Schedules I to III hereto annexed :—

## SCHEDULE-I

Assessee on whom a penalty of not less than Rs. 5000/- in each case was imposed for concealment of income during the period commencing with 1-4-1972 to 31-3-1973 where no appeals were presented to the Tribunal within the time allowed therefor or where the appeals presented have been disposed of during the financial year.

Sl.No.	Name & address of the assessee	Status	Amount of penalty	Assessment year for which the default occurred
1	2	3	4	5
		Nil		

## SCHEDULE-II

Assessee on whom a penalty of not less than Rs.5000/- in each case was imposed for failure to file the returns of income or to produce books of accounts or to comply with the statutory notices during the period commencing with 1-4-1972 to 31-3-1973 where no appeals were presented to the AAC/ITAT within the time allowed therefor or where the appeals presented have been disposed of during the financial year.

1	2	3	4	5
1.	Shri Ramchand Bhura, Sconi	Indl.	5117.00	1968-69
2.	-do-	Indl.	7491.00	1969-70
3.	-do-	Indl.	5044.00	1970-71

## SCHEDULE-III

Assessee on whom a penalty of not less than Rs.5000/- in each case was imposed for filing false estimate or not filing voluntary estimate of advance tax or for non-payment of tax during the period commencing with 1-4-1972 to 31-3-1973 where no appeals were presented to the AAC/ITAT within the time allowed therefor or where appeals presented have been disposed of during the financial year.

1	2	3	4	5
		Nil		

[No.C.S. 8/73-74]

K. JAGANNATHAN  
Commissioner of Income-tax

वाणिज्य मंत्रालय

आदेश

नई दिल्ली, 17 अगस्त, 1973

का०आ० 2474.—वस्त्र (हथकरघों द्वारा उत्पादन) नियन्त्रण आदेश, 1956 के अधीन जारी किए गए तथा भारत के राजपत्र भाग 2 खण्ड 3 उपखण्ड 2 में दिनांक 26-2-72 को प्रकाशित नियन्त्रण आदेश, 1972 का० आ० 693 दिनांक 3-1-1972 के प्रथम संशोधन में उक्त नियन्त्रण आदेश की मद 6 में निम्नोक्त श्रुति सम्मिलित की जाए :—

फार्म-सी में यही संशोधन ग्रंथ निम्नोक्त अनुसार पढ़ा जाए :—

“31 जुलाई, 1956 को समाप्त हुई एक वर्ष की अवधि के दौरान वस्त्र (हथकरघों द्वारा उत्पादन) नियन्त्रण (प्रथम संशोधन) आदेश, 1972 के आरम्भ होने के तुरन्त पहले की अवधि।”

[फा. सं० 24011/1/73 एम एम एफ]

एम० नारायणस्वामी, संयुक्त सचिव

## MINISTRY OF COMMERCE

## ORDER

New Delhi, the 17th August, 1973

**S.O. 2474.**—In the first amendment to the Control Order 1972 S. No. 693 dated 3-1-1972 issued under the Textiles (Production by Powerlooms) Control Order, 1956 and published in Part II Section 3 Sub-Section II of the Gazette of India dated 26-2-1972 following correction may be inserted in Item 6 of the said Control Order:—

In Form-C the correct amended portion should be read as under :—

“During the period of one year ending on the 31st of July, 1956/the period immediately before the commencement of Textiles (Production by Powerlooms) Control (1st amendment) Order, 1972”.

[F. No. 24011/1/73-MMF.]

MANI NARAYANSWAMI, Jt. Secy.



## प्रादेश

नई दिल्ली, 1 सितम्बर, 1973

का० प्रा० 2475.—यतः भारत के निर्यात व्यापार के विकास के लिए भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० का० प्रा० 771, तारीख 6 मार्च, 1965 में संशोधन करने के लिए कतिपय प्रस्ताव, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम (2) के उप नियम (2) द्वारा यथा अपेक्षित भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 17 फरवरी, 1973 के पृष्ठ 677-678 पर भारत सरकार के भूतपूर्व विदेश मंत्रालय के प्रादेश सं० का० प्रा० 460, तारीख 17 फरवरी, 1972 के अधीन प्रकाशित किए गए थे।

और यतः, 18 मार्च, 1973 तक ऐसे सभी व्यक्तियों से, जिनका उससे प्रभावित होना संभाव्य है, आक्षेप तथा सुझाव मांगे गए थे;

और यतः, उक्त राजपत्र की प्रतियां जनता को 17 फरवरी, 1973 को उपलब्ध करा दी गई थी;

और यतः उक्त प्राकृत्य पर जनता से कोई आक्षेप तथा सुझाव प्राप्त नहीं हुए हैं;

अतः, अब, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्यात निरीक्षण परिषद से परामर्श करने के पश्चात्, केन्द्रीय सरकार की यह राय होने के कारण कि भारत के निर्यात व्यापार के लिए ऐसा करना आवश्यक तथा समीचीन है, वह भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० का० प्रा० 771, तारीख 6 मार्च, 1965 में निम्नलिखित संशोधन करती है अर्थात्:—

उक्त अधिसूचना के उपाबन्ध में, “(क) प्रशोधित झींगा मछली (झींगे) के लिए विनिर्देश” शीर्षक के अन्तर्गत सारणी के अन्त में तथा इससे सम्बन्धित वर्तमान अनुदेश के पश्चात् निम्नलिखित पाठ-टिप्पणी अन्तः स्थापित की जाएगी, अर्थात्

टिप्पणी:—(1) प्रशोधित झींगाओं से एक संकेत पच्ची बंधी रहेगी जिस पर तैयार करने वाले के नाम का संकेत, उत्पाद का नाम तथा प्रकार, तैयार करने का वर्ष, महीना तथा तारीख दी गई होगी। अलग अलग सद्यः प्रशोधित (अ-प्रसं० प्र०) पैकिंग को वशा में संकेत पच्ची भीतरी डिब्बे में रखी जाएगी। संकेत पच्ची को संक्षिप्त रूप में लिखने के लिए एक उदाहरण नीचे दिया जा रहा है:—

एक्स०वाई०एफ०एस०पी०डी०

2ए 0-5

उक्त उदाहरण में:—

एक्स०वाई०	तैयार करने वाले का संकेत नाम
एफ०एस०	प्रशोधित झींगे
पी० डी०	उत्पाद का प्रकार तथा इस उदाहरण में यह छीने हुए तथा शिरा रहित प्रकार का सूचित करता है।
(2)	तैयार करने का साल तथा इस उदाहरण में यह 1972 वर्ष को सूचित करता है।
ए०	तैयार करने का महीना तथा इस उदाहरण में यह जनवरी महीने को सूचित करता है।
05	तैयार करने की तारीख तथा इस उदाहरण में यह महीने के पांचवें दिन को सूचित करता है।

(ii) निम्नलिखित संक्षेपाक्षर (क) उत्पाद के प्रकार तथा (ख) वर्ष के महीनों के लिए प्रयोग किए जायेंगे:

(क) उत्पाद का प्रकार संक्षेपाक्षर

सम्पूर्ण	डब्ल्यू एल
सिर-रहित	एच एल
बटर-फलाई	बी एफ
छोली हुई तथा शिरारहित	पी डी
छोली हुई तथा शिरा सहित	पी यू डी
पकाई हुई तथा छोली हुई	सी पी
छोली हुई, शिरारहित तथा पकाई हुई	पी डी सी

(ख) महीना संक्षेपाक्षर

जनवरी	ए
फरवरी	बी
मार्च	सी
अप्रैल	डी
मई	ई
जून	एफ
जुलाई	जी
अगस्त	एच
सितम्बर	जे
अक्टूबर	के
नवम्बर	एल
दिसम्बर	एम

[सं० 6(2)/71-नि०नि० तथा नि०सं०]

## ORDER

New Delhi, the 1st September, 1973

S.O. 2475.—Whereas, for the development of the export trade of India certain proposals for amending the notification of the Government of India in the Ministry of Commerce, No. S.O. 771 dated the 6th March, 1965 relating to fish and fish products were published, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964 at pages 677-678 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 17th February, 1973, under the order of the Government of India in the late Ministry of Foreign Trade No. S.O. 460 dated the 17th February, 1973,

And whereas objection and suggestions were invited till the 18th March, 1973 from all persons likely to be affected thereby;

And whereas copies of the said Gazette were made available to the public on the 17th February, 1973;

And whereas no objections and suggestions were received from the public on the said draft;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, being of the opinion that it is necessary and expedient so to do for the development of the export trade of India, hereby makes the following amendment to the notification of the Government of India in the Ministry of Commerce, No. S.O. 771 dated the 6th March, 1965 namely:—

In the Annexure to the said notification, under the heading “(A) SPECIFICATION FOR FROZEN PRAWNS

(SHRIMPS)", at the end of the Table and after the existing instruction relating to it the following footnote shall be inserted, namely :—

"Note—(i) Frozen blocks shall be embedded with a code slip bearing the markings of the name of the processor in code, name and type of the product, year month and date of processing. In case of individual quick frozen (IQF) packing, the code slip shall be placed inside the primary container. An illustration for making the code slips in the abbreviated form is given below :—

'XYFSPD

2A 05'

where, in the above illustration, --

XY = name of the processor in code,

FS = frozen shrimps,

PD = types of product and in this example it represents Peeled and De-veined type,

2 = Year of processing and in this example it represents the year 1972,

A = month of processing and in this example it represents the month of January, and

05 — date of processing and in this example it represents the fifth day of the month.

(ii) The following abbreviations shall be used for (a) type of the product, and (b) months of the Year :—

(a) Type of the Product	Abbreviation
Whole	WL
Headless	HL
Butterfly	BF
Peeled and Deveined	PD
Peeled and Undeveined	PUD
Cooked and Peeled	CP
Peeled, Deveined and Cooked	PDC
(b) Month	Abbreviation
January	A
February	B
March	C
April	D
May	E
June	F
July	G
August	H
September	J
October	K
November	L
December	M"

[F. No. G(2)/71-EI&EP]

#### प्रावेश

का० आ० 2476.—यतः भारत के निर्यात व्यापार के विकास के लिए भारत सरकार के वाणिज्य मंत्रालय की, सुरक्षा कांच सम्बन्धी अधिसूचना सं० का० आ० 2835, तारीख 21 सितम्बर, 1966 में संशोधन करने के लिए कतिपय प्रस्ताव निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) द्वारा यथा अपेक्षित, भारत के राजपत्र, भाग II खंड 3, उपखंड (II), तारीख 17 फरवरी, 1973 के पृष्ठ 640 पर भारत सरकार के भूतपूर्व विदेश व्यापार मंत्रालय के आदेश सं० का० आ० 456, तारीख 17 फरवरी, 1973 के अधीन प्रकाशित किए गए थे जिनमें आदेश के राजपत्र में प्रकाशन की तारीख से तीन दिनों के भीतर उन सब व्यक्तियों से, जिनका उमसे प्रभावित होना संभाव्य है आक्षेप तथा सुझाव मांगे गए थे ;

और यतः उक्त राजपत्र की प्रतियां जनता को 17 फरवरी, 1973 को उपलब्ध करा दी गई थी ;

और यतः जनता से कोई आक्षेप या सुझाव प्राप्त नहीं हुए है।

अतः अब, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, निर्यात निरीक्षण परिषद् से परामर्श करने

के पश्चात्, यह राय होने पर कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० का० आ० 2835, तारीख 21 सितम्बर, 1966 में निम्नलिखित संशोधन करती है ; अर्थात्—

1. उक्त अधिसूचना के पैरा 1 में उप-पैरा (3) के स्थान पर निम्नलिखित उप-पैरा रखा जाएगा, अर्थात्—

"(3) सुरक्षा कांच के लिए भारतीय मानक विनिर्देश भ० मा० 2553-1971 को भारतीय मानक संस्थान द्वारा समय-समय पर जारी किए गए पश्चात्पूर्वी संशोधनों सहित, यदि कोई हो, सुरक्षा कांच के लिए मानक विनिर्देश के रूप में मान्यता देती है।"

[स० 6(27)/72 नि०नि० तथा नि०सं०]

म०कु०ब० भटनागर, अवसर सचिव

#### ORDER

S.O. 2476.—Whereas for the development of export trade of India certain proposals for amending the notification of the Government of India in the Ministry of Commerce No. S.O. 2835 dated the 21st September, 1966 relating to safety Glass were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, at page 640 of the Gazette of India, Part II—Section 3—sub-section (ii), dated the 17th February, 1973 under the Order of the Government of India in the late Ministry of Foreign Trade No. S.O. 456 dated the 17th February, 1973 inviting objections and suggestions from all persons likely to be affected thereby, within thirty days of the publication of the Order in the Official Gazette ;

And whereas copies of the said Gazette were made available to the public on the 17th February, 1973 ;

And whereas, no objections or suggestions were received from the public ;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council being of opinion that it is necessary and expedient so to do for the development of the export trade of India, hereby makes the following amendment to the notification of the Government of India in the Ministry of Commerce No. S.O. 2835 dated the 21st September, 1966, namely :—

In paragraph 1 of the said notification, for sub-paragraph (3), the following sub-paragraph shall be substituted, namely :—

"(3) recognises the Indian Standard Specification IS: 2553-1971 for safety glass with subsequent amendments, if any, issued from time to time by the Indian Standards Institution, as the standard specification for safety glass".

[No. 6(27)/72-EI&EP]

M. K. B. BHATNAGAR, Under Secy.

#### औद्योगिक विकास, विज्ञान और औद्योगिकी मंत्रालय

नई दिल्ली, 21 जून, 1973

का० आ० 2477.—लोक परिसर (अनधिकृत अधिभोगियों की बेवखानी) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, नीचे दी गई सारणी के स्तंभ 1 में उल्लिखित अधिकारी को, सरकार के राजपत्रित अधिकारी की पंक्ति के समतुल्य अधिकारी होने के नाते, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है और आगे निर्देश देती है कि

उक्त अधिकारी उक्त सारणी के स्तंभ (2) में विनिर्दिष्ट लोक परिमरों के संबंध में अपने क्षेत्राधिकार की सीमाओं के भीतर, उक्त अधिनियम के द्वारा या अधीन सम्पन्न अधिकारी को प्रदत्त शक्तियाँ का प्रयोग करेगा और अधिसूचित कर्तव्यों का पालन करेगा।

#### सारणी

अधिकारी का पदनाम	लोक परिमरों के प्रथम और क्षेत्राधिकार की स्थानीय सीमाएँ
(1)	(2)
श्री सुशील कुमार, सचिव, कस्तूरबा सेवा मन्दिर, राजपुरा (पंजाब)	भूमि और संपत्ति, जो केन्द्रीय सरकार की है और कस्तूरबा सेवा मन्दिर, राजपुरा (पंजाब) को पट्टे पर दी गई है।
	[फा० सं० 5/45/71-के-6(1)]
	आबिद हुसैन, संयुक्त सचिव

#### MINISTRY OF INDUSTRIAL DEVELOPMENT, SCIENCE AND TECHNOLOGY

New Delhi, the 21st June, 1973

**S.O. 2477.**—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer equivalent to the rank of gazetted officer of Government to be estate officer for the purposes of the said Act and further directs that the said officer shall exercise the powers conferred and perform the duties imposed, on the estate officers by or under the said Act, within the limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Shri Shushil Kumar, Secretary Kasturba Seva Mandir, Rajpura (Punjab)	Land and property belonging to the Central Government and given on lease to the Kasturba Seva Mandir, Rajpura (Punjab)

[F.No. 5/45/71-KVI(1)]

ABID HUSSAIN, Joint Secy.

#### भारतीय मानक संस्था

नई दिल्ली, 20 अगस्त, 1973

**फा० का० 2478**—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणचिन्ह) विनियम, 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाहमैस संख्या जिसके बारे में नीचे अनुसूची में दिए गए हैं, लाहमैस धारियों के अपने अनुरोध पर 1 जुलाई 1973 से रद्द कर दिया गया है :—

#### अनुसूची

लाहमैस संख्या	लाहमैस धारियों का नाम और पता	लाहमैस के अधीन तत्संबंधी भारतीय मानक
सं० एम/एल-2435	सं० एम/एल-2435	सं० एम/एल-2435
27-10-1970	सैमसैंडूजीवाला चीड का तेल	आई एस : 5757-1971
	इंडस्ट्रीज, 14/1 वां मील, दिल्ली-मथुरा रोड, फरीदाबाद (हरियाणा)	

[सं० एम०डी०डी०/55.2435]

डी० वाम गुप्ता, उप-महानिदेशक

#### (Indian Standards Institution)

New Delhi, the 20th August, 1973.

**S. O. 2478.**—In pursuance of sub-regulation (4) of Regulation 14 of the Indian Standards Institution (Certification Marks) Regulation, 1955, as amended from time to time, the Indian Standards Institution, hereby notifies that the licence, particulars of which are given below, has been cancelled on licencees' request with effect from 1 July, 1973 :

Licence No. & Date	Name and address of the Licensee	Article/Process covered by the Licence	Relevant Indian Standard
CM/L-2435 27-10-1970	M/s. Dujodwala Industries, 14/1 Mile, Delhi Mathura Road, Faridabad Haryana)	Pure Oil	IS:5757-1971

[No. MDD/55:2435]

D. DAS GUPTA, Deputy Director General.

#### इस्पात और खान मंत्रालय

#### (खान विभाग)

नई दिल्ली, 14 अगस्त, 1973

**फा० फा० 2479**—कोयला खान (संरक्षण, सुरक्षा और विकास) अधिनियम, 1952 (1952 का 12) की धारा 4 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार हिन्दुस्तान स्टील लिमिटेड के सलाहकार (तकनीकी) श्री पी०के० बनर्जी को कोयला बोर्ड के सदस्य के रूप में एतद्वारा नियुक्त करती है और यह निदेश देती है कि भारत सरकार, इस्पात और खान मंत्रालय (खान विभाग) की अधिसूचना संख्या फा०फा० 1416, तारीख 14 अप्रैल, 1972 में निम्नलिखित संशोधन किए जाएंगे, अर्थात् :—

उक्त अधिसूचना में सब संख्या 5 और तत्संबंधी प्रविष्टियों के लिए निम्नलिखित शब्द रखे जाएंगे, अर्थात् :—

“5 श्री पी०के० बनर्जी, सदस्य”  
सलाहकार (तकनीकी),  
हिन्दुस्तान स्टील लिमिटेड,  
राजी

[संख्या को० 4-4(2)/72]

एस० के० धर, निदेशक

#### MINISTRY OF STEEL AND MINES (Department of Mines)

New Delhi, the 14th August, 1973

**S.O. 2479.**—In exercise of the powers conferred by sub-section (2) of section 4 of the Coal Mines (Conservation, Safety and Development) Act 1952 (12 of 1952), the Central Government hereby appoints Shri P. K. Banerjee, Adviser (Tech.) of Hindustan Steel Limited as a member of the Coal Board and directs that the following further amendment shall be made in the notification of the Government of India, in the Ministry of Steel and Mines (Department of Mines) No. S.O. 1416, dated the 14th April, 1972, namely:—

In the said notification, for item 5 and the entries relating thereto, the following shall be substituted namely:—

“5. Shri P. K. Banerjee,  
Adviser (Tech.),  
Hindustan Steel Ltd., Ranchi.

Member”

[No. C4-4(2)/72]

S. K. DHAR, Director

## स्वास्थ्य और परिवार नियोजन मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 6 अगस्त, 1973

का० प्रा० 2480—स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, चण्डीगढ़ अधिनियम 1966 (1966 का 51) की धारा 5 के खण्ड (घ) के अनुसरण में भारत सरकार एतद्वारा श्री कर्तार सिंह, अपर सचिव, भारत सरकार स्वास्थ्य और परिवार नियोजन मंत्रालय स्वास्थ्य विभाग को श्री सी० एस० रामचन्द्रन, सचिव, भारत सरकार, स्वास्थ्य और परिवार नियोजन मंत्रालय के स्थान पर, जिन्होंने त्यागपत्र दे दिया है, स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, चण्डीगढ़ का सदस्य मनोनीत करती है।

[सं० बी० 17013/8/72-एम०ई० (पी०जी०)]

## MINISTRY OF HEALTH AND FAMILY PLANNING

(Department of Health)

New Delhi, the 6th August, 1973

S.O. 2480.—In pursuance of clause (d) of section 5 of the Post Graduate Institute of Medical Education and Research Chandigarh Act, 1966 (51 of 1966) the Government of India hereby nominates Shri Kartar Singh, Additional Secretary to the Government of India in the Ministry of Health and Family Planning (Department of Health) as a member of the Post-Graduate Institute of Medical Education and Research, Chandigarh vice Shri C. S. Ramachandran, Secretary to the Government of India in the Ministry of Health and Family Planning, who has resigned.

[No. V. 16011/1/73-ME(PG)]

का० प्रा० 2481—प्रखिल भारतीय आयुर्विज्ञान संस्थान, अधिनियम 1956 (1956 का 25) की धारा 4 के खण्ड (ङ) के अनुसरण में भारत सरकार एतद्वारा श्री कर्तार सिंह अपर-सचिव, भारत सरकार, स्वास्थ्य और परिवार नियोजन मंत्रालय (स्वास्थ्य विभाग) को श्री सी० एस० रामचन्द्रन, सचिव भारत सरकार, स्वास्थ्य और परिवार नियोजन मंत्रालय के स्थान पर, जिन्होंने त्यागपत्र दे दिया है, प्रखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली का सदस्य मनोनीत करती है।

[सं० बी० 16011/1/73-एम०ई० (पी०जी०)]

अमर नाथ वर्मा, उप-सचिव

S.O. 2481.—In pursuance of clause (c) of Section 4 of the All India Institute of Medical Sciences Act, 1956 (No. 25 of 1956), the Government of India hereby nominates Shri Kartar Singh, Additional Secretary to the Government of India in the Ministry of Health and Family Planning (Department of Health) as a member of the All India Institute of Medical Sciences, New Delhi, vice, Shri C. S. Ramachandran, Secretary to the Government of India in the Ministry of Health and Family Planning, who has resigned.

[No. V. 16011/1/73-ME (PG)]

AMAR NATH VARMA, Dy. Secy.

कृषि मंत्रालय

(खाद्य विभाग)

नई दिल्ली, 21 जुलाई 1973

का० प्रा० 2482.—फल उत्पाद-आयोग, 1955 के खण्ड 3 के उपखण्ड (1) के अनुसरण में केन्द्रीय सरकार 16-7-1973 से दो

वर्ष की अवधि के लिए केन्द्रीय फल उत्पाद-मन्त्रालय मन्त्रि गठित करती है जिसमें निम्नलिखित सदस्य होंगे :-

अध्यक्ष

1. श्री जी०सी०एम० बेहल, संयुक्त सचिव, खाद्य विभाग, कृषि मंत्रालय।

उपाध्यक्ष

2. डा० पी० के० कैमल, कार्यकारी निदेशक, खाद्य तथा पोषण बोर्ड, खाद्य विभाग, कृषि मंत्रालय।

सदस्य

3. श्री आर०के० दत्त (मैसर्स श्रीकृष्ण संश्लिष्ट शर्करा, सिरका, मुरब्बा, दत्त एण्ड कम्पनी, कलकत्ता) महापति, जटनी और आचार विनिर्माताओं फल उत्पाद विनिर्माता एसोसिएशन, के प्रतिनिधि 8/3, विद्यामार्ग स्ट्रीट, कलकत्ता।

4. श्री बी० बी० श्रोत्राय, डिम्बाबंद फल, सञ्जी, मुरब्बा (सम्पादक, भारतीय खाद्य डैकर) जैली, मार्सेलेड और टमाटर-उत्पाद मैसर्स किसान प्रोडक्ट्स लिमिटेड, के विनिर्माताओं के प्रतिनिधि पो० ब० नं० 1678, प्रोडक्ट मन्त्रालय रोड, बंगलूर 560016

5. श्री थोमस, मैसर्स मालाबार फल डिम्बाबंद फल, सञ्जी, मुरब्बा, प्रोडक्ट्स लिमि० अथापे, डाकघर जैली, मार्सेलेड और टमाटर-धारामगानम, कोट्टावम (केरल) उत्पाद के विनिर्माताओं के प्रतिनिधि।

6. श्री एन०पी० भार्गव, मैसर्स मिड-लैन्ड्स फल और सञ्जी प्रोडक्ट्स, डाकघर ओखला इण्डस्ट्रीयल क्षेत्र, ओखला, नई दिल्ली-110020

यथोक्त

7. श्री बी०एम० शर्मा (सचिव, यू० पी० कल विनिर्माता एसोसिएशन, मैसर्स यू०पी० कैमिकल्स एण्ड फल प्रोडक्ट्स लिमि०, डाकघर इज्जत नगर, बरेली (यू० पी०) मुरब्बा, जटनी और आचार के छोटे विनिर्माताओं के प्रतिनिधि।

8. श्री वाई० के० कपूर (सचिव, प्रखिल भारतीय खाद्य परिरक्षक एसोसिएशन) मैसर्स नार्थलैंड इण्डस्ट्रीज, 2254, अजीज बिल्डिंग, नूता मण्डी, पहाड़गंज, राजगुरु रोड, नई दिल्ली 110055 डिम्बाबंद फल, सञ्जी, मुरब्बा, जैली और मार्सेलेड के छोटे विनिर्माताओं के प्रतिनिधि।

9. श्री पी० एच० भट्ट, मैसर्स कैरा डिस्ट्रिक्ट कोऑपरेटिव मिल्क प्रोड्यूसर्स यूनियन लिमि० आनन्द (गुजरात) फल उत्पाद के विनिर्माण के लिए उपयुक्त तकनीकी अर्हताएं रखने वाला व्यक्ति।

10. डा० ए० जी० नायक कुर्द, मैसर्स इन्डो वलगर फूड्स (प्रोप्राइटर फ़ाउंड टिम्बर एण्ड फ़ूड प्राइवेट लिमि०) फल उत्पाद के विनिर्माण के लिए उपयुक्त तकनीकी अर्हताएं रखने वाला व्यक्ति। ज्योत्सोगिक क्षेत्र, दिल्ली-मेरठ रोड, गार्जियाबाद।

- 11 श्री एम०जे० थारमाई (उप गण- फल और सब्जी उत्पाद के  
पनि, प्रोसेसिंग फ्रूट एन्ड वेजिटेबल प्रोडक्ट्स के प्रतिनिधि।  
काउन्सिल) (प्रसंस्कृत खाद्य निर्यात  
वृद्धि परिषद्), मैसूर वि द्यादा आया  
मिल्स वप्पनी लिमि०, इतिआया,  
मूदवली स्ट्रीट,  
मद्रास 600081
- 12 श्री एल०सी० स्टोवम, 'प्रेमल', कोट- फल और सब्जी उत्पादक के  
गढ़, डाकघर धनपुर, शिमला जिल्म। प्रतिनिधि।
- 13 श्री विश्वनाथन, अध्यक्ष, आरजे श्रोमर्म फल और सब्जी उत्पादक के  
कोआपरेटिव सोसाइटी लिमि०, प्रतिनिधि।  
गोलीकोप्पाल
- 14 डा० बी०एस० अमला, निदेशक, केन्द्रीय खाद्य औद्योगिकी संस्था,  
केन्द्रीय खाद्य औद्योगिकी अनुसंधान मैसूर के प्रतिनिधि।  
मस्थान, बी०वी मुहल्ला  
मैसूर 570002
- 15 श्री दलजीत सिंह, निदेशक, (उद्यान कृषि विभाग के प्रतिनिधि।  
विज्ञान), कृषि विभाग,  
कृषि भवन, नई दिल्ली 110001
- 16 श्री डी०एम० चट्टा, सचिव, खाद्य स्वास्थ्य मंत्रालय के प्रतिनिधि।  
मानक केन्द्रीय समिति, स्वास्थ्य  
और परिवार नियोजन महानिदे-  
शालय, निर्माण भवन,  
नई दिल्ली 110001
- 17 श्री दयानंद, निदेशक, (फल और सब्जियों-मन्त्रि  
गर्भी परिषद), खाद्य विभाग,  
कृषि मंत्रालय, नई दिल्ली 110001

[स० 9/4/72-एफ०एन०बी०-1 भाग-2.]

टी० आर० परमेश्वरन, उप-मन्त्रि,

Ministry of Agriculture  
(Department of Food)

New Delhi, the 21st, July, 1973.

S.O.2482.—In pursuance of the sub-clause (i) of section 3 of the Fruit Products Order, 1955, the Central Government hereby constitutes for a period of two years with effect from 16-7-73, the Central Fruit Products Advisory Committee consisting of the following members, namely:—

## CHAIRMAN

1. Shri G.C.N. Chahal, Joint Secretary, Department of Food, Ministry of Agriculture.

## VICE-CHAIRMAN

2. Dr. P.K. Kymal, Executive Director, Food & Nutrition Board, Department of Food, Ministry of Agriculture.

## MEMBERS

3. Shri P. K. Datta, (M/s. Shri Krishan Datta & Co Calcutta) President, Fruit Products Manufacturers Association, 8/3, Vidyasagar Street, CALCUTTA-9. Representative of synthetic syrup, vinegar, murabba, chutney and pickles manufacturers.

4. Shri V.B. Oberoi (Editor, Indian Food Packer) Messrs Kissan Products Ltd., P.B. No.1676, Old Madras Road, BANGALORE-560016. Representative of manufacturers of canned fruits, vegetables, jams, jellies, marmalades and tomato product
5. Shri Thomas, M/s. Malabar Fruit Products Ltd., Adapay, P.O. Bharamanganam, Kottayam (Kerala). Representative of manufacturers of canned fruits, vegetables, jams, jellies, marmalades and tomato product.
6. Shri N.P. Bhargava, M/s. Midlands Fruit and Vegetable Products, P.O. Okhla Industrial Estate, OKHLA, NEW DELHI-110020. Representative of manufacturers of canned fruits, vegetables, jams, jellies, marmalades and tomato product.
7. Shri B. N. Sharma, (Secretary, U.P. Fruit Manufacturers Association) M/s. U.P. Chemical & Fruit Products Ltd., P.O. Izatnagar BAREILLY (U.P.). Representative of small scale manufacturers of murabbas, chutney and pickles.
8. Shri Y. K. Kapoor, (Secretary, All India Food Preservers' Association) M/s. Northland Industries, 2254, Aziz Building, Chunnna Mandi, Paharganj Rajguru Road, NEW DELHI-110055. Representative of small scale manufacturers of canned fruits, vegetables, jams, jellies and marmalades.
9. Shri P.H. Bhatt, M/s. Kaira District Cooperative Milk Producers Union Ltd., ANAND (Gujarat). Person possessing suitable technical qualifications for the manufacture of fruit products.
10. Dr. A.G. Naik-Kurade, M/s Indo Bulgar Foods (Prop, Crown Timber & Foods Pvt. Ltd.) Industrial Area, Delhi-Meerut Road, GHAZIABAD. Person possessing suitable technical qualifications for manufacture of fruit products.
11. Shri S.Z. Warci, (Vice-President Processed Foods Export Promotion Council) M/s. The Tata Oil Mills Co. Ltd., Eliaya Muddli Street, MADRAS-600081. Representative of exports of fruit & vegetable products.
12. Shri L.C. Stokes, 'PREMAIS', Kotgarh, P.O. Thandur, Simla Hills. Representative of fruit and vegetable growers.
13. Shri Vishwanatha, Chairman, Orange Growers Cooperative Society Ltd., GONICOPPAL. Representative of fruit and vegetable growers.
14. Dr. B.L. Amla, Director, Central Food Technological Research Institute, V.V. Mohalla, MYSORE-570002. Representative of central Food Technological Research Institute, Mysore.
15. Shri Daljit Singh, Director (Horticulture) Department of Agriculture, Krishi Bhavan, NEW DELHI-110001. Representative of Department of Agriculture.
16. Shri D.S. Chaddha, Secretary, Central Committee for Food Standards, Directorate General of Health and Family Planning, Nirman Bhavan, NEW DELHI-110001. Representative of Ministry of Health.
17. Shri Daya Nand, Director (Fruit and Vegetable Preservation), Department of Food, Ministry of Agriculture, NEW DELHI. Member-Secretary.

[No. 9/4/72-FNB. I Vol. II.]

T. R. PARAM, ESWARAN Dy. Secy.

## पर्यटन और नागर विमानन मंत्रालय

नई दिल्ली, 18 अगस्त, 1973

का० प्रा० 2483.—वायु निगम अधिनियम, 1953 (1953 का 27) की धारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा वायु सेनाध्यक्ष, एयर चीफ मार्शल ओ०पी० मेहरा का तुरन्त तथा अगले आदेशों तक एयर इंडिया के बोर्ड का एक निदेशक नियुक्त करती है।

[सं० ए०वी० 18013/3/71-ए०सी०]

## MINISTRY OF TOURISM &amp; CIVIL AVIATION

New Delhi, the 18th August, 1973

S.O. 2483.—In exercise of the powers conferred by section 4 of the Air Corporations Act, 1953 (27 of 1953) the Central Government hereby appoints Air Chief Marshal O. P. Mehra, Chief of the Air Staff a Director on the Board of Air-India with immediate effect and until further orders.

[No. AV 18013/3/71-AC]

का० प्रा० 2484.—वायु निगम अधिनियम, 1953 (1953 का 27) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा पर्यटन के महानिदेशक, डा० अजित मजूमदार को तुरन्त तथा अगले आदेशों तक इंडियन एयरलाइन्स तथा एयर इंडिया के बोर्डों का एक निदेशक नियुक्त करती है।

[सं० ए०वी० 18013/3/71-ए०सी०]

नवजीवन खोसला, संयुक्त सचिव

S.O. 2484.—In exercise of the powers conferred by section 4 of the Air Corporations Act, 1953 (27 of 1953) the Central Government hereby appoints Dr. Ajit Mozoomdar, Director General of Tourism a Director on the Boards of Indian Airlines and Air-India with immediate effect and until further orders.

[No. AV 18013/3/71-AC]

N. KHOSLA, Joint Secy.

## मोटर गाड़ी और परिवहन मंत्रालय

## परिवहन पक्ष

नई दिल्ली, 13 अगस्त, 1973

का० प्रा० 2485.—मोटर गाड़ी (तृतीय पक्षकार बीमा) नियम, 1946 में और संशोधन करने के लिए निम्नलिखित प्राकल्प नियम, जिन्हें केन्द्रीय सरकार मोटर गाड़ी अधिनियम, 1939 (1939 का 4) की धारा 111 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने का प्रस्ताव करती है, तद्वारा प्रभावित होने वाले सभी सम्भाव्य व्यक्तियों की सूचना के लिए उक्त अधिनियम की धारा 133 की उप-धारा (i) द्वारा यथा अपेक्षित एतद्वारा प्रकाशित किये जाते हैं और एतद्वारा सूचना दी जाती है कि उक्त प्राकल्प नियम वाले राजपत्र की प्रतियां आम जनता को उपलब्ध होने की तारीख से पैंतालिस दिनों की समाप्ति पर उक्त प्राकल्प पर विचार किया जाएगा।

उन सभी आक्षेपों या सुझावों पर केन्द्रीय सरकार विचार करेगी जो कि उक्त निर्दिष्ट तारीख से पहले उक्त प्राकल्प विधियों के सम्बन्ध में किसी भी व्यक्ति की ओर से प्राप्त होंगे।

## प्राकल्प नियम

1. ये नियम मोटर गाड़ी (तृतीय पार्टी बीमा) संशोधन नियम, 1973 कहें जाएंगे।

2. मोटरगाड़ी (तृतीय पक्षकार बीमा) नियम, 1946 के नियम 15 बी में,

(i) उपनियम (2) में “100 रुपये प्रति गाड़ी की रकम” शब्दों और अंकों के स्थान पर पर “वह रकम जो कि 100-रुपये

प्रति गाड़ी से कम न हो” शब्द और अंक प्रतिस्थापित किये जाएंगे।

(ii) उप-नियम (3) में विम्नलिखित परंतुक जोड़ दिया जाए, अर्थात्:

परंतु यदि केन्द्रीय सरकार के अलावा कोई प्राधिकारी के विचार में गाड़ियों के समस्त बड़े के लिए बारह लाख रुपये या 1500 रुपये प्रति गाड़ी, इनमें से जो भी कम हो, पर्याप्त नहीं है तो वह केन्द्रीय सरकार को पूर्ण अनुमति से यथावस्था बारह लाख या 1500 रुपये प्रति गाड़ी से अधिक वार्षिक भुगतान करना रहेगा।

[सं० 41-टी०ए०जी० (2)/71]

एन० ए० ए० नारायण, अवर सचिव

MINISTRY OF SHIPPING AND TRANSPORT  
(Transport Wing)

New Delhi, the 13th August, 1973

S.O. 2485.—The following draft rules further to amend the Motor Vehicles (Third Party Insurance) Rules, 1946, which the Central Government proposes to make in exercise of the powers conferred by Section 111 of the Motor Vehicles Act, 1939 (4 of 1939) are hereby published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after the expiry of fortyfive days from the date on which the Gazette copies containing the said draft rules are made available to the general public.

Any objections or suggestions, which may be received from any person with respect to the said draft rules before the date specified above, will be considered by the Central Government.

## Draft Rules

1. These rules may be called the Motor Vehicles (Third Party Insurance) Amendment Rules, 1973.

2. In rule 15B of the Motor Vehicles (Third Party Insurance) Rules, 1946,—

(i) in sub-rule (2), for the words and figures “a sum of Rs. 100/- per vehicle”, the words and figures “a sum of not less than Rs. 100/- per vehicle” shall be substituted;

(ii) to sub-rule (3), the following proviso shall be added, namely:—

“Provided that if any Authority, other than the Central Government, is of opinion that the amount of rupees twelve lakhs or Rs. 1500 per vehicle for the entire fleet of vehicles, whichever is less, is not adequate, it may, with the previous approval of the Central Government, continue the annual payment beyond rupees twelve lakhs or Rs. 1500 per vehicle as the case may be.”

[No. 41-TAG(2)/71]

N. A. A. NARAYANAN, Under Secy.

## श्रम और पुनर्वास मंत्रालय

## श्रम और रोजगार विभाग

## आदेश

नई दिल्ली, 9 जुलाई, 1973

का० प्रा० 2486 — यतः केन्द्रीय सरकार की राय है कि इससे उपाययुक्त अनुसूची में विनिर्दिष्ट विषय के बारे में बैंक ग्राहक बड़ोदा से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निवेशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (ब) द्वारा प्रदत्त शक्तियों का

प्रयोग करने हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अन्तर्गत गठित केन्द्रीय सरकार औद्योगिक अधिकरण दिल्ली को न्यायनिर्णयन के लिए निर्देशित करती है।

### अनुसूची

“क्या बैंक आफ बड़ोदा के प्रबन्धन को, श्री ए.के. शर्मा, निवृत्त की विशेष सहायक के पद पर 1 अगस्त, 1970 से प्रोन्नति न कर के 21 दिसम्बर 1970 से प्रोन्नति करने की कार्रवाई न्यायोचित है? यदि नहीं, तो वह किम अनुतोष का हकदार है?”

[सं० एल० 12012/147/72, एल० आर० 3]

## MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour and Employment)

### ORDER

New Delhi, the 9th July, 1973

**S.O. 2486.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bank of Baroda and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Delhi constituted under section 7A of the said Act.

### SCHEDULE

“Whether the action of the management of Bank of Baroda in promoting Shri A. K. Sharma clerk to the post of Special Assistant with effect from the 21st December, 1970 and not from the first August, 1970 is justified? If not, to what relief is he entitled?”

[No. L. 12012/147/72/LR III]

New Delhi, the 18th August, 1973

**S.O. 2487.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Khas Badjna Colliery of Messrs. Western Bengal Coalfields Limited, Post Office Nirsachatti, District Dhanbad and their workmen, which was received by the Central Government on the 7th August, 1973.

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 84 of 1971

### PARTIES:

Employers in relation to the management of Khas Badjna Colliery of Messrs Western Bengal Coalfields Limited, P. O. Nirsachatti, (Dhanbad).

### AND

Their Workmen

### PRESENT:

Mr. Justice D. D. Seth (Retd.),—Presiding Officer.

### APPEARANCES:

For the management.—Shri B. Dasandi, Sub-Area Manager with Shri D. Narsingh, Advocate.

For the Workmen.—Shri Kanai Mondal & Shri Subhas Mondal with Shri Niaz Hussain, Secretary, Bihar Koyla Mazdoor Sabha, Nirsachatti Branch.

STATE : Bihar

INDUSTRY : Coal.

Dhanbad, the 1st August, 1973

### AWARD

The present reference arises out of Order No. 2/95/70-LRII dated New Delhi, the 15th December, 1971 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows:—

“Whether the action of the management of Khas Badjna Colliery of Messrs Western Bengal Coalfields Limited, Post Office Nirsachatti, District Dhanbad in stopping the workmen Sarvashri Kanai Mandal and Subhas Mandal from the 28th February, 1970 and the 23rd February, 1970 respectively from work was justified? If not, to what relief are these workmen entitled?”

2. The dispute has been settled out of Court. A memorandum of settlement dated 21-7-1973/1-8-1973 has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of the award be forwarded to the Central Government under section 15 of the Industrial Disputes Act, 1947.

D. D. SETH, Presiding Officer.

BEFORE THE HON'BLE PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
DHANBAD

Reference No. 84 of 1971

### PARTIES:

Employers in relation to Khas Badjna Colliery P. O. Nirsachatti, District, Dhanbad.

### AND

Their workmen

### JOINT PETITION OF COMPROMISE

Both the parties aforesaid beg to submit as under:

- (1) That the above matter is pending before the Hon'ble Presiding Officer for adjudication.
- (2) That the matter has not yet been heard by the Hon'ble Presiding Officer and the next date has been fixed on 1-8-1973.
- (3) That without prejudice to the respective stands taken by the respective parties in the written statements, both the parties have come to an amicable settlement, out of court, on the following terms:—
  - (a) S/Shri Kanai Mondal and Subhas Mondal the two workmen herein concerned will be allowed to resume work at the colliery concerned within a fortnight from the date this petition is submitted before the Hon'ble Presiding Officer, as and when they report to the Manager of the colliery.
  - (b) The said two workmen concerned and named in para (a) above will be placed in category I on the starting basic salary as per recommendations of Central Wage Board for the Coal Mining Industry with effect from the date they report for work as stated in the previous para.
  - (c) That the two concerned workmen shall not claim any wages for the period of their unemployment or

back wages whatsoever and that their services will be counted as from the date they resume duty as per para (a) above.

(d) That this agreement resolves the aforesaid dispute finally and that there is no dispute subsisting between the parties any longer.

(4) That the Hon'ble Presiding Officer may be pleased render a No-dispute Award in the aforesaid matter.

Sd/- ILLEGIBLE

THE SUB AREA MANAGER MUGMA WEST

(1) Signature of (Sri Kanai Mondal)

(2) Signature of (Sri Subhas Mondal)

The Workmen concerned

Sd/- Illegible

For the Management

Dated : 21-7-1973

Dated : 21-7-1973

Witness : Sd/- ILLEGIBLE

Dated : 21-7-73

[No. 2/95/70-LR II]

**S.O. 2488.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Khas Dharmaband Colliery of Messrs Khas Dharmaband Colliery Company Private Limited, Post Office Malkera, District Dhanbad and their workmen, which was received by the Central Government on the 8th August, 1973.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL— CUM-LABOUR COURT NO. 3, DHANBAD.

Reference No. 61 of 1969.

#### Present :

Sri B. S. Tripathi,  
Presiding Officer.

#### Parties :

Employers in relation to Khas Dharmaband Colliery of M/s. Khan Dharmaband Colliery Co. (P) Limited, P.O. Malkera, Distt. Dhanbad.

AND

Their workman Sri Bara Mahinder Singh, Ex-Coal Cutting Machine Incharge.

#### Appearances :

On behalf of Workmen—Sri Jagir Singh, General Secretary, Mine Karmachari Sangh, P.O. Hirapur, Distt. Dhanbad.

On behalf of Employers—For :

- (1) Khas Dharmaband Colliery Co. (P) Ltd.—Shri B. Joshi, Advocate.
- (2) Sethia Mining & Manufacturing Corporation Ltd., 8, Netaji Subhas Road, Calcutta (impleaded as a party by Order dated 20-7-70).—Sri B. Joshi, Advocate.
- (3) Bharat Coking Coal Ltd. (impleaded as a party as per Order dated 23-3-1972).—Sri S. S. Mukherjee, Advocate.

Industry : Coal

State : Bihar

Dhanbad, the 31st July, 1973.

#### AWARD

The Central Government in the Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment) being of the opinion that an industrial dispute exists between the employers in relation to the management of Khas Dharmaband Colliery and their workman Sri Bara Mahinder

Singh by their Order No. 2/76/69-LR.II dated the 27th August, 1969 referred the said dispute with respect to the matters specified in the schedule of reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 to this Tribunal for adjudication. The schedule of reference is extracted below :—

“Whether the action of the management of Khas Dharmaband Colliery of M/s. Khas Dharmaband Colliery Co. (P) Limited, P.O. Malkera, Distt. Dhanbad in refusing work with effect from the 22nd February '68 to Sri Bara Mahinder Singh, Coal Cutting Machine Incharge and subsequently dismissing him from Company's services with effect from the 21st November, 1968 is justified? If not to what relief is the workman entitled?”

2. The reference was received in this Tribunal on 6-9-1969 and was registered as reference No. 61 of 1969 on that date. The industrial dispute in question was raised by the concerned workman, namely, Sri Bara Mahinder Singh, himself before the Conciliation Officer and the case before this Tribunal was taken up by him. The concerned workman filed his written statement on 18-9-1969 and the employers' written statement i.e. the written statement filed by Khas Dharmaband Colliery Co. (P) Limited, was received in the Tribunal on 17-11-1969. On 29-12-1969 the workman filed rejoinder to the said written statement of the employers.

3. On 20-7-1970 the concerned workman filed a petition to implead M/s. Sethia Mining & Manufacturing Corporation Limited alleging that the ownership of the colliery in question in the mean time had been transferred to this company and on this petition the Tribunal after hearing the parties impleaded M/s. Sethia Mining & Manufacturing Corporation Limited as a party to the present proceeding as per Order passed on that very day. The added company filed written statement on 24-9-1970. During the pendency of the present proceeding the management of the colliery in question vested in the Central Government under the Coking Coal Mines (Emergency Provisions) Act, 1971 (Act No. 64 of 1971) and by the provisions of same Act the Bharat Coking Coal Limited came in possession of the colliery in question besides other collieries. Accordingly the workman filed a petition on 4-2-1972 to implead Bharat Coking Coal Limited. After hearing the parties and also the said company, the Bharat Coking Coal Limited was impleaded as a party to the present proceeding as per Order No. 21 dated 23-3-1972. The Bharat Coking Coal Limited filed their written statement on 29-4-1972. Workman filed rejoinder to the written statement of M/s. Sethia Mining & Manufacturing Corporation Limited on 4-2-1972.

4. The case of Khas Dharmaband Colliery Co. (P) Limited is that the concerned workman Sri Bara Mahinder Singh was sent to Central Hospital, Dhanbad on 8-12-1967 for extraction of tooth and thereafter he did not turn up to his duty and remained absent without informing the management and without obtaining permission to be absent during the period from 9-12-1967. Accordingly, it is stated, chargesheet dated 30-1-1968, for unauthorised absence, was issued to the workman which was sent to him through registered post but he did not submit any reply. It is stated that he came to the colliery on 7-3-1968 when he was asked to join his duty and to submit explanation to the chargesheet, but he neither submitted explanation to the chargesheet nor he joined his duty on that date and he, however, agreed to report for duty on 11-3-1968. He did not join duty on 11-3-1968 also. On 18-3-1968 a letter was issued to him to submit explanation to the chargesheet within three days but he did not submit the same. Accordingly a departmental enquiry to enquire into the charge against him was ordered and on 8-6-1968 notice was given to the workman to attend the enquiry on 15-6-1968 on which date the workman did not turn up. However another chance was given to him to attend the enquiry on 23-7-1968 at 3 P.M. He did not turn up on that date also. Again the enquiry was adjourned to 5-8-1968 and the workman was informed of the same but he did not turn up on that date as well. The departmental enquiry in the circumstances was held *ex-parte* in the absence of the workman and the Enquiry Officer after examining witnesses on behalf of the management submitted his report saying that the charge levelled against the workman had been established and the workman was found guilty of the charge. The Director of the Company accepted the enquiry report and ordered for dismissal of the workman with effect from 21-11-1968. Accordingly, the allegation is that the dismissal of the workman with effect from 21-11-1968 was justified. So far as refusing work to the workman with effect from 22-2-1968 is concerned the case



of the company is that the workman never turned up to work on 22-2-1968 or on any day thereafter and as such the question of refusing work to him with effect from 22-2-1968 does not arise. A formal plea has also been raised to the effect that the present dispute being an individual dispute it is beyond the purview of the provisions of the Industrial Disputes Act, 1947 and so the Central Government had no jurisdiction to take the reference in question under Section 10(1)(d) of that Act. The prayer, accordingly, is to decide the dispute in question in favour of the management.

5. The case made out by the workman in his written statement is to the effect that due to sickness, severe toothache and stomach trouble he was admitted in the Central Government Hospital, Dhanbad on 8-12-1967 and remained there under treatment upto 21-2-1968 when he was found medically fit to resume duties by the Medical Officer, Central Hospital, Dhanbad. It is said, the workman thereafter reported to the Manager of the Colliery on 22-2-1968 for duty but he was not allowed to join. The workman submits that no chargesheet was issued to him on the basis of which the management is alleged to have made a departmental enquiry. He, however, admits that he received an enquiry notice dated 8-6-1968, sent to him by the management of Khas Dharmaband Colliery, on 11-6-1968 and on 12-6-1968 the concerned workman reported to the management that no chargesheet had been given to him and asked the management to adopt proper procedure in the matter of conducting departmental enquiry. The workman states that Sri J. N. Jadav, the Enquiry Officer, said to him that there was no necessity of issuing chargesheet and even no enquiry would be held if he (the concerned workman) would put his thumb mark on a fresh appointment letter. The workman declined to accept the proposal of Sri Jadav and submitted his written representation dated 12-6-1968 in response to the letter dated 8-6-1968 of the management, said above. It is alleged that no reply was given to the workman's letter dated 12-6-1968 but a further enquiry notice was issued to him on 24-7-1968 fixing 5-8-1968 as the date of enquiry. On 5-8-1968 the workman made a written representation to the management expressing his inability to attend the enquiry on 5-8-1968 and requested the management to adjourn the enquiry to some other date. The workman did not receive any reply to his letter dated 5-8-1968 and all of a sudden he received the letter of the management dated 21-11-1968 dismissing him from service with effect from that date. It is stated that the workman was not given any chargesheet nor was he given any opportunity to defend himself or to adduce evidence in the departmental proceeding and the action of the management was against the principles of natural justice and as such the order of dismissal passed against him by the company should be set aside and the workman be reinstated with full back wages after deciding the industrial dispute in question in his favour.

6. The case of M/s. Sethia Mining & Manufacturing Corporation Limited is to the effect that this company took over management of the colliery in question with effect from 22-10-1969 and accordingly they are not liable for the acts and omissions of the previous management prior to that date. They deny also in general manner all the allegations of the workman. The workman has filed rejoinder to the written statement of M/s. Sethia Mining & Manufacturing Corporation Limited in which they have stated that the said company is bound by the order that may be passed in the present proceeding. The written statement filed by Bharat Coking Coal Limited is to the effect that Bharat Coking Coal Limited is in no way liable or responsible for any act of the past management prior to the date of taking over of the colliery in question under Act No. 64 of 1971 which came into force on 16-10-1971.

7. In the present proceeding some documents on behalf of the management have been marked on admission of the workman and some other documents have been exhibited after they were formally proved. The management also examined 2 witnesses, MW-1 & MW-2. MW-1 Sri Chinmoy Guha was Asstt. Manager of Khas Dharmaband Colliery from 1963 to March, 1969. He had conducted the departmental enquiry to the chargesheet framed against the concerned workman. MW-2 is Sri J. N. Jadav who is now working as Senior Stenographer attached to Sub-area Manager. From his evidence it appears that during the relevant time he was working as Stenographer and P.A., of the Manager of the Colliery. On behalf of the concerned workman 4 documents Exts. W-1 to W-4 have been marked on admission. No other document has been exhibited on his behalf. The workman has not exa-

mined himself nor has he examined any witness on his behalf. The employers closed their evidence as early as on 14-9-1972 from which date the case was adjourned to 31-10-1972 for evidence on the side of the workman and argument. From 31-10-1972 the case was adjourned from time to time at the instance of the workman and ultimately 27-6-1973 was fixed as the final date for hearing. On this date too the workman did not turn up nor anybody on his behalf was present nor any step on his behalf was taken. Accordingly further hearing of the case was taken up under Rule 22 of the Industrial Disputes Rules (Central), so far as the concerned workman was concerned. The evidence on the side of the concerned workman was closed on that date and arguments on the side of the employers were heard.

8. I would like to mention here that the main reference which has been referred to this Tribunal for decision is comprised of two parts, namely, (1) the justification or otherwise of the refusal of work to the concerned workman with effect from the 22nd February, 68 and (2) the justification or otherwise of the dismissal of the said workman from company's services with effect from the 21st November 1968.

9. The dispute in question is no doubt an individual dispute. From the copies of the proceedings before the Conciliation Officer prior to the reference, sent to the Tribunal along with the reference, and from the reference itself it will appear that the dispute was raised by the concerned workman himself and at no stage any union or any group of workmen took up the case of the concerned workman. Apparently, therefore, the dispute in question does not come within the purview of (industrial dispute) as defined in Section 2(k) of the Industrial Disputes Act. Of course, an individual dispute can become an industrial dispute if any union, of which the concerned workman is a member, or a group of workmen take up the case of the concerned workman, and in the present case neither any union nor any group of workmen have taken up the case of the concerned workman at any stage. That being the position the dispute in question remains an individual dispute and not an industrial dispute within its definition in Section 2(k) of the Industrial Disputes Act. I may mention here that according to Section 2(k), in order a dispute may be an industrial dispute, it must be between the workmen and the employers and not between individual workman and the employers. There is however exception to Section 2(k) of the Industrial Disputes Act in view of the provisions of Section 2(A) of that Act. Under Section 2(A), if any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute, notwithstanding that no other workman nor any union of workmen is a party to the dispute. Thus this provision does away with the requirements of espousal of an individual dispute for converting it into an industrial dispute when a dispute or difference arises out of discharge, dismissal, retrenchment or otherwise termination of services of an individual workman. Apparently, this provision is an exception to the definition of industrial dispute in Section 2(k) of the Industrial Disputes Act.

10. In the light of the provisions in Law, mentioned above, we shall now consider the dispute that has been referred to the Tribunal for decision. The reference has been made under Section 10(1)(d) of the Industrial Disputes Act according to which, before making the reference by the Government, the pre-requisite condition is the existence of an industrial dispute. I have already said above that the dispute referred to the Tribunal consists of two parts and I have set out the parts separately. The first part relates to the alleged refusal of work to the workman from a particular date. So far as this part is concerned it cannot be termed as an industrial dispute according to the facts and circumstances in this case, already referred to above. Again, it does not come within the purview of the provisions of Section 2(A) of the Act. This part of the reference relates to a dispute which is out and out an individual dispute and as such the reference made to this Tribunal by the Central Government for a decision regarding the alleged refusal of work under Section 10(1)(d) of the Act is bad in Law and accordingly this Tribunal does not get jurisdiction to decide that part of the reference. It comes to this, therefore, that the reference made by the Central Government for a decision as to the justification or otherwise of the action of the management of Khas Dharmaband Colliery of M/s. Khas Dharmaband Colliery Co. (P) Limited in refusing work to Sri Bara Mohinder Singh from 22-2-1968 is without jurisdiction of the Central Government

and consequently this Tribunal also gets no jurisdiction to decide the said matter. In that view of the matter the Tribunal cannot give any award with respect to the first part of the main reference as stated above.

11. So far as the second part of the reference is concerned, it does come within the purview of the provisions of Section 2(A) of the Industrial Disputes Act in as much as an individual dispute will be treated as an industrial dispute under the Industrial Disputes Act if the case comes within the provisions of that Section. Thus, I overrule the objection raised on behalf of employers regarding the want of jurisdiction of the Central Government to make reference to the Tribunal under Section 10(1)(d) of the Act and want of jurisdiction of the Tribunal to decide the same and pass award with respect to the justification or otherwise of the dismissal of the concerned workman Sri Bara Mahinder Singh with effect from 21-11-1968. I find that the reference is quite in order so far as this part of the reference is concerned.

12. Ext. W-2 is the letter dated 21-11-1968 of the Manager of Khas Dharmaband Colliery to the concerned workman intimating him that on an enquiry into the charge levelled against him as per chargesheet No. KD/24(W)/245/68 dated 31-1-1968 and show cause Notice No. KD/24(W)/440/68 dated 18-3-1968 issued to the workman, the charge had been established and the management after considering the evidence before the Enquiry Officer came to the conclusion that the workman was guilty of the charge and accordingly the workman was dismissed from service with immediate effect after obtaining approval in this regard from the Director of the Company. I may mention here that the date of the chargesheet mentioned in the letter of dismissal is a mistake for 30-1-1968 as will appear from the copy of the chargesheet on record marked Ext. M-5. M-6 is the show cause notice which is referred to in the dismissal letter. It appears from the record that a departmental proceeding, was drawn up on the basis of the said chargesheet and show cause notice which were enquired into by the Enquiry Officer Sri Chinmoy Guha, Asstt. Manager (MW-1). The enquiry was made in the absence of the concerned workman. The Enquiry Officer held the enquiry on 5-8-1968 on which date he recorded the statements of 2 witnesses of the management, namely, Sri Gobind Singh, Time-Keeper and Sri M.H.A. Mallick, Manager of the Company (*vide* enquiry proceeding Ext. M-7). Ext. M-8 is the enquiry report dated 8-8-1968 of the Enquiry Officer to the management of the colliery stating that the charges against the concerned workman had been established and the concerned workman accordingly was guilty of the charges. Ext. M-10 is the letter dated 18-11-1968 of the Director of the Company to the Manager approving dismissal from service of Sri Bara Mahinder Singh, the concerned workman, who was found guilty in the departmental proceeding. Then follows the letter of dismissal Ext. W-2, already referred to above.

13. The chargesheet Ext. M-5 was to the effect that the concerned workman was absenting from duty from 9-12-1967 which constitutes a misconduct under Sub-clause 16 of Clause 27 of the Certified Standing Orders of the colliery. The show cause notice which was also enquired into in the said departmental enquiry by MW-1 is to the effect that the Manager of the colliery asked the concerned workman, when the latter approached the former, to resume duty from the 1st March, but the concerned workman did not report for duty and absented from work without giving any information whatsoever. The letter is dated 18-3-1968. Taking the original charge and subsequent show cause petition together it comes to this that the charge against the concerned workman was unauthorised absence from duty from 9-12-1967 atleast upto 18-3-1968. Ext. M-11 is the copy of the certified Standing Orders of the company. Under Sub-clause 16 of Clause 27 of the said Standing Orders continuous absence without permission and without satisfactory cause for more than 10 days amounts to misconduct on the part of the concerned workman on account of which the workman may be suspended, fined or dismissed from service. Clause 28 of the Standing Orders runs as follows :—

"No orders or punishment by way of suspension, dismissal or fine shall be made unless the employee concerned is informed in writing of the alleged misconduct and is given an opportunity to explain circumstances alleged against him....."

Natural justice also requires that before a departmental enquiry with respect to a charge against an employee is made,

the employee must be informed of the charge, so that he may get an opportunity to explain to the management against the charge levelled against him. If the material of such charges are not disclosed to the workman, the enquiry will not be in conformity with the rules of natural justice and the whole enquiry will be vitiated for non-observance of the same.

14. In the present case the definite case of the workman is that he was not given any chargesheet nor any show cause notice was given to him as alleged by the management. According to the employers the chargesheet dated 30-1-1968 and the show cause notice dated 18-3-1968 were sent to the concerned workman under postal registered cover with acknowledgement due. This is also the statement of MW-2 Sri J. N. Jadav, the then Stenographer of the Manager. From the statement of this witness in cross-examination it will appear that he is not a competent witness on this point and it will be unsafe to base decision on the point of despatch of the chargesheet and the show cause notice under registered cover to the concerned workman and the service thereof on the oral testimony of this witness. The statement of MW-2 in cross-examination is that the Despatch Clerk is in the charge of issuing letters in question meant for the workman and after obtaining the signature of the Manager he sent these letters to the Despatch Clerk for despatch. The witness further states in cross-examination that it is the duty of the Despatch Clerk to keep the letters inside the cover and then to send the same to the postman for posting. In view of this statement of MW-2 in cross-examination no importance should be attached to his statement in examination in chief, already referred to above. The Despatch Clerk has not been examined by the management and no reason has been given for the same. Again, the registration receipts that might have been granted by the Post Office while posting the registered covers containing the alleged chargesheet and the alleged show cause notice, have not been filed to show that actually such registered covers were made over to the Post Office. The management have filed one receipt of acknowledgement Ext. M-6/A addressed to Sri Bara Mahinder Singh and it purports to bear the postal seal dated 21-3-1968. According to MW-2 this acknowledgement receipt relates to the registered letter containing the show cause notice, the copy of which is Ext. M-6, already referred to above. I have already said above that he is not a competent witness on the point. Further assuming for the sake of argument, but not accepting, the above statement of MW-2 to be correct, the receipt Ext. M-6/A does not appear to have been granted by the addressee. The receipt purports to have been signed by one Sri K. Prasad and there is nothing on record to connect this Sri K. Prasad with the concerned workman. Again, the signature of "K. Prasad" has not also been proved in this case. There is thus no evidence to prove that the show cause notice in question was served upon the concerned workman. There is no evidence whatsoever to prove that the chargesheet aforesaid was received by the workman concerned. In view of the discussion made above I find that the management have not been able to prove that the chargesheet in question and also the show cause notice in question were despatched under registered covers and they were received by the concerned workman Sri Bara Mahinder Singh. That being so, it must be held that the workman did not get opportunity to explain the charge against him before the departmental enquiry against him was started. In view of this finding the departmental enquiry held against the workman on the basis of the alleged chargesheet and the show cause notice must be held not to be in conformity with the rules of natural justice and as such the entire enquiry is vitiated. Of course, from the case made out by the workman in his written statement it appears that he had notice of the date of departmental enquiry. The Enquiry Officer held enquiry on 5-8-1968 and in the written statement of the workman it is stated that he was served with a notice of the said date of enquiry but on that date the workman sent an application for adjournment. Ext. M-3 is the adjournment petition in question addressed to the Manager of the Company and is dated 5-8-1968 when the enquiry was held and it is purported to have been received by the Manager on 11-8-1968. It cannot therefore be said that the Enquiry Officer was not justified in holding enquiry on the date fixed i.e. on 5-8-1968. Be that as it may, since the basis of the departmental enquiry was not brought home to the workman concerned and the workman was not given opportunity to explain his conduct with respect to the charge the whole departmental enquiry must be set aside as being against natural justice. Accordingly the report of the Enquiry Officer finding the workman guilty of the charge is also set aside.

15. It is next to be decided as to what the position is after reference to the Tribunal regarding justification or otherwise of the dismissal of the concerned workman passed by the management. I have already quoted above Clause 28 of the Certified Standing Orders of the Company. I consider it necessary to restate the same at this place. The said clause provides :—

“No orders or punishment by way of suspension, dismissal or fine shall be made unless the employee concerned is informed in writing of the alleged misconduct and is given an opportunity to explain circumstances alleged against him.....”.

It is to be noted that the standing orders of the company in question being duly certified under Employments Standing Orders Act, the provisions therein will have statutory force governing the relationship of the employer and employee and both the employer and the employee are bound by the terms contained in the Certified Standing Orders. Clause 28 of the Standing Orders in question, quoted above, contains mandatory provision prohibiting passing of any order or imposing any punishment upon the employee by the employer by way of suspension, dismissal or fine unless the employee has been informed in writing of the alleged misconduct for which the order or punishment has been made and the employee is given an opportunity to explain the circumstances alleged against him. The said provision confers substantive right upon the employee and in my opinion the said provision can not be said to be a matter of procedure out and out. If the statute prohibits a thing to be done and if it is done in spite of the prohibition, the action must be held to be void and illegal. In the present case I have already shown above that the management had not served the chargesheet or the show cause petition asking the concerned workman to explain the alleged misconduct, which was the subject matter for investigation in the domestic enquiry. There is also nothing on record to show that at any time before the order of dismissal of the concerned workman was passed, the said workman was informed in writing of the alleged misconduct and was given an opportunity to explain circumstances alleged against him. In that view of the matter the order of dismissal passed against the concerned workman must be held to be void and I hold accordingly. The order of the management being ab initio void the question of justifying the same before the Tribunal after reference under Section 10 of the Industrial Disputes Act does not arise.

16. In this connection reference may be made to the decision of their Lordships of the Supreme Court in the case of Bata Shoe Co. (P) Limited and D. N. Ganguly, reported in 1961(1) L.L.J. 303. In this case as a result of departmental enquiry, which was held ex-parte, some of the workmen were dismissed from service. The Tribunal, after reference, found that the chargesheet was not issued at all to some of the concerned workmen and in case of some others it was not proved that the chargesheet, though issued, was served on them. The departmental enquiry was held ex-parte in the absence of the concerned workmen. In that case the relevant standing order provided as follows :—

“Any workman charged with an offence under these orders, except in cases of lateness and absenteeism, shall receive a copy of such charge but in all cases will be given an opportunity of offering his explanation before any decision is arrived at.”

There was no proof that any opportunity was given to the concerned workman of offering their explanation before the decision of dismissal was arrived at. The Industrial Tribunal, in view of these facts, set aside the order of dismissal of the said workmen and ordered for their reinstatement. Their Lordships of the Supreme Court agreeing with the findings arrived at by learned Industrial Tribunal confirmed the order of the Tribunal setting aside the order of dismissal of the workmen passed by the employers and reinstating them. This decision of their Lordships of the Supreme Court applies in all fours to the facts of the present case. I fully rely upon this decision to support my order mentioned in the previous paragraph.

17. In view of the findings recorded above my answer so far as the first part of the reference is concerned, namely, whether the management was justified in refusing work to the concerned workman from 22-2-1968 was justified or not, I do not record any opinion on the same, for the reasons already mentioned above, as being without jurisdiction of the Tribunal. So far as the second part of the reference is

concerned, my answer is that the management of Khas Dharmaband Colliery of M/s. Khas Dharmaband Colliery Co. (P) Limited was not justified in dismissing Sri Bara Mahinder Singh, the concerned workman, from the service of the Company with effect from the 21st November, 1968.

18. The next question that arises for consideration is as to what relief the concerned workman is entitled to. In view of my finding that the order of dismissal of the concerned workman was wrongful he is entitled to be reinstated to his post with full back wages, besides other benefits he is entitled to during all this period i.e. from the date of dismissal upto the date of reinstatement. It is to be noted that during the pendency of the present reference the colliery in question was nationalised under Coking Coal Mines Nationalisation Act, 1972 (Act 36 of 1972) and the colliery vested in the Central Government and under the provisions of the said Act it vested with the Bharat Coking Coal Limited with effect from 1-5-1972. The Bharat Coking Coal Limited have accordingly been impleaded in the present reference. According to Bharat Coking Coal Limited they are not in any way liable for the illegal acts or omission on the part of the outgoing employers and the question of reinstatement of the concerned workman by them in case the order of dismissal of the workman be found to be wrongful does not arise. It is also submitted on their behalf that they are not liable for any back dues of the concerned workman as against the outgoing employers.

19. In this connection reference may be made to Clause 17(1) of Act 36 of 1972 which provides as follows :—

“Every person who is a workman within the meaning of the Industrial Disputes Act, 1947, and has been, immediately before the appointed day, in the employment of a coking coal mine or coke oven plant, shall become on and from the appointed day, an employee of the Central Government, or, as the case may be, of the Government Company in which the right, title and interest of such mine or plant have vested under this Act, and shall hold office or service in the coking coal mine or coke oven plant, as the case may be, on the same terms and conditions and with the same rights to pension, gratuity and other matters as would have been admissible to him if the rights in relation to such coking coal mine or coke oven plant had not been transferred to, and vested in, the Central Government or Government company, as the case may be, and continue to do so unless and until his employment in such coking coal mine or coke oven plant is duly terminated or until his remuneration, terms and conditions of employment are duly altered, by the Central Government or the Government company.”

In view of my findings that the order of dismissal of the concerned workman was wrongful, the workman shall be deemed to be in the service of the colliery even on and from the alleged date of his dismissal and will be deemed to continue in service until now. Section 3(a) of the said Act as defined “appointed day” to mean the 1st day of May, 1972. Apparently therefore the concerned workman will be deemed to be in service of the colliery in question on 1-5-1972 and according to Section 17(1) quoted above he will be deemed to be an employee of the Government company, namely, Bharat Coking Coal Limited in the present case, on and from 1-5-1972. In that view of the matter the Bharat Coking Coal Limited are bound to reinstate the concerned workman in the colliery in question in view of the order already passed. The concerned workman will report for duty within one month from the date of publication of this award, failing which the Bharat Coking Coal Limited will not be bound to reinstate him in the colliery and the concerned workman in that case will not be entitled to wages since after the date of expiry of one month from the date of the publication of this award.

20. As to the liability for back wages reference may be made to Section 9(1) of Act 36 of 1972 which provides that every liability of the Owner, Agent, Manager or Managing Contractor of a coking coal mine in relation to any period prior to the appointed day shall be the liability of such Owner, Agent, Manager or Managing Contractor, as the case may be, and shall be enforceable against him and not against the Central Government or the Government company. In view of this provision the outgoing employers, namely, M/s. Khas Dharmaband Colliery Co. (P) Limited,

and their transferee Sethia Mining and Manufacturing Corporation Limited will be jointly and severally liable for the wages of the concerned workman from the date of dismissal *i.e.* from 21-11-1968 upto 30-4-1972 and from 1-5-1972 the Bharat Coking Coal Limited will be liable for the back wages of the concerned workman till the date of his reinstatement, subject to what is observed above.

21. This is my award. Let the award be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

B. S. TRIPATHI, Presiding Officer.

[No. 2/76/69-1.RII.]

**S.O. 2489.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Ballarpur Collieries Company, Post Office Ballarpur, District Chandrapur (Maharashtra) and their workmen, which was received by the Central Government on the 8th August, 1973.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM LAOUR COURT JABALPUR**

Dated August, 4, 1973

**PRESENT:**

Mr. Justice S. N. Katju.—Presiding Officer.

Ref. Case No. CGIT/LC(R)(17)/72

(Notification No. I./22012/4/72-LRII, dated 4-5-1972)

**PARTIES:**

Employers in relation to the management of Ballarpur Collieries Company, P. O. Ballarpur, District—Chandrapur (Maharashtra) and their workmen represented through the Maharashtra Pradesh Rashtriya Koyala Khadan Kamgar Sangh, Ballarpur Branch, Jatpura Gate, Ward No. 4, P. O. Chandrapur (Maharashtra).

**APPEARANCES:**

For employers.—Shri R. K. Singh, Labour Officer.

For workmen.—Shri Gulab Gupta, Advocate & Shri R. C. Pandey, Vice-President, Maharashtra Pradesh Rashtriya Koyala Khadan Kamgar Sangh.

**INDUSTRY:** Coal Mine

**DISTRICT:** Chandrapur  
(Maharashtra)

**AWARD**

This is a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947. The question referred to this Tribunal as set out in the Schedule to the reference is :—

“Whether the action of the management of Ballarpur Collieries Company, Post Office Ballarpur, District Chandrapur (Maharashtra), in not admitting Shri Umesh Prasad Verma, to work as Clerk in the establishment is justified? If not, to what relief is he entitled and from what date?”

The Maharashtra Pradesh Rashtriya Koyala Khadan Kamgar Sangh had raised a dispute with regard to Shri Umesh Prasad Verma of Ballarpur Colliery before the Assistant Labour Commissioner (Central), Nagpur. It was contended on behalf of the workmen that management of the Colliery had not allowed Shri Verma to work as a Clerk from 9-10-1971. The management contended that Shri Verma was a badli worker in the Colliery and had worked in that capacity only. The conciliation proceedings before the Assistant Labour Commissioner (Central) ended in failure. Thereafter the matter was referred to the Central Government which referred the dispute to this Tribunal. After the nationalisation of the Colliery in January, 1973 the Union approached the management to reconsider Shri Verma's case.

The dispute has now been settled between the parties. The terms of the settlement are incorporated in the memorandum of settlement dated 2-8-1973 which has been presented to me. It is duly signed by the representatives of the parties and has been verified before me. The terms of the settlement are just and fair and I make my award in accordance with the aforesaid terms. The Memorandum of settlement dated 2-8-1973 will form part of the award.

S. N. KATJU, Presiding Officer.  
4-8-1973

**FORM H**

[See Rule 58]

**MEMORANDUM OF SETTLEMENT**

**Representing employers:**

1. Shri R. K. Singh,  
Labour Officer,  
Coal Mines Authority,  
Wardha Valley Area,  
Chandrapur.

**Representing Workmen.**

1. Shri R. C. Pandey,  
Vice President, Maharashtra Pradesh Rashtriya Koyala Khadan Kamgar Sangh  
Chandrapur.

**SHORT RECITAL OF THE CASE :**

The Vice-President, MPRKKK Sangh had raised a dispute with the Assistant Labour Commissioner (Central), Nagpur regarding Shri Umesh Prasad Verma of Ballarpur Colliery. The matter came up for conciliation proceedings before the Assistant Labour Commissioner on 29-11-1971 and 30-12-1972 when the Union alleged that the Management of Ballarpur Colliery was not allowing Sri Verma to work as a Clerk from 9-10-1971. The contention of the Management was that Sri Verma was engaged in Ballarpur Colliery as a Badli Worker and has worked in that capacity only.

Since the conciliation proceedings ended in failure, the matter was referred by the Central Government for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur. From 31st of January 1973, all the non-coking coal mines in the company have been nationalised and in the changed circumstances the Union has approached the Management to reconsider Sri Verma's case sympathetically and after prolonged discussions the following settlement has been arrived:—

**TERMS OF SETTLEMENT :**

1. The Management has agreed to place Sri Umesh Prasad Verma in Clerical Grade II (205—7—275—10—325) of the Coal Mines Wage Board Recommendations with a starting basic salary of Rs. 240 p. m. with effect from 15-8-1973.
2. It is also agreed that to start with Sri Verma will be posted at Ballarpur Colliery.
3. It is further agreed that the period of absence from duty of Sri Verma at Ballarpur Colliery from 9-10-1971 upto 14-8-1973 will be treated as leave without pay.
4. The Union has agreed that not to claim any wages for the period mentioned above under term No. 3.
5. The Management agreed to pay a lump sum of Rs. 800 (Rupees Eight hundred only) to the union towards the expenditure incurred in this case.
6. Both the parties have agreed to file this settlement before the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur with a request to give an Award in terms of the settlement.
7. This settles all claims regarding the concerned dispute.

**Signature of Parties:**

Representing employers:  
R. K. Singh

Representing workmen:  
R. C. Pandey

Witnesses:

1. Sd/- K. Ashok Kumar, Asstt Controller of Accounts CMA, Ballarpur.
2. Sd/- M. K. Ranganathan, Secy., C.O., Ballarpur.

Date : 2-8-1973.

Place : Chanda.

Copy by registered A/d. to:—

1. The Secretary, Government of India, Ministry of Labour, New Delhi.
2. The Chief Labour Commissioner, (C), New Delhi.
3. The Regional Labour Commissioner, (C), Bombay.
4. The Asstt. Labour Commissioner, (C), Nagpur.

VERIFIED BEFORE ME

Sd/-S. N. Katju—Presiding Officer.  
4-8-1973.

Sd/- R. K. Singh

Sd/ R. C. Pandey.

Sd/-Umesh Prasad Verma.

PART OF THE AWARD

S. N. KATJU—Presiding Officer.  
4-8-1973

[No. L-22012/4/72-LRII.]

**S.O. 2490.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras in the industrial dispute between the employers in relation to the First National City Bank and their workmen, which was received by the Central Government on the 14th August, 1973.

BEFORE THIRU G. GOPINATH, B.A., B.L.,

Presiding Officer

Industrial Tribunal, Madras

(Constituted by the Central Government)

Wednesday, the 1st day of August, 1973

Industrial Dispute No. 14 of 1973

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of First National City Bank, Mount Road Branch, Madras-2).

BETWEEN :

The workmen, represented by

The General Secretary, First National City Bank Staff Association, 15/16, Kondi Chetty Street, Madras-1.

AND

The Manager, First National City Bank, Mount Road, Branch, 153, Mount Road, Madras—2.

REFERENCE:

Order No. L. 12012/6/73-LR. III., dated 26-2-1973 of the Ministry of Labour and Rehabilitation, Department of Labour and Employment, Government of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 25th day of July, 1973 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvallargal B.R. Dola and A. L. Somayaj, Advocates for the workmen and of Thiruvallargal M. Uttama Reddi, V. Thirumal Rao and C. Soundarajan, Advocate for the Management and having stood over till this day for consideration, this Tribunal made the following.

64 G of 1/73—6

## AWARD

The issue for adjudication is whether the management of the First National City Bank, Mount Road, Madras was justified in withdrawing the additional duty of telex operator from Shri S. Selvaraj with effect from 18-7-1972.

2. Shri S. Selvaraj was appointed as a typist in the George Town branch of the Bank of Madras. This was in April, 1966. He, was then placed as Clearing Clerk. Thereafter, by memorandum dated 24-9-1968, called staff rotation (Ex. M-1), he was transferred as Cable Clerk/Telex Operator with effect from 26-9-1968. It would appear that the Mount Road branch of the Bank which was opened on 26-9-1968, had telex facility. Admittedly, Shri Selvaraj continues in the post of a typist and is yet to be promoted to a higher cadre. It is not denied that he is one of the 3 typists in the Mount Road branch and that he is the senior-most. By a memorandum dated July 17, 1972, the management transferred Shri Selvaraj from the Cables to the Bills Department with effect from 18-7-1972 (Ex. M-3). As result of this transfer, he lost the special allowance of a telex operator, as shown in page 14 of Ex. W-5, the bi-partite settlement between certain banking companies and their workmen, dated 19-10-1966.

3. The order of the management, namely Ex. M-3, which has had the effect of withdrawing the duties of a telex operator from Shri Selvaraj, is impugned by the workman on four grounds. It is first contended that the withdrawal of the allowance contravenes the provisions of Section 9-K of the Industrial Disputes Act, and is thus invalid. The second contention is that the withdrawal of this benefit is because of certain allegations against him, which Shri Selvaraj had not the opportunity to repudiate, and that the management has not sought to substantiate those allegations. The third ground of attack is that the withdrawal of the work of telex operator and entrusting it to another junior employer, amounts to victimisation and unfair labour practice on the part of the management and hence is not bonafide. Lastly, it is contended that the withdrawal amounts to demotion, resulting in monetary loss to Shri Selvaraj, without observing the principles of natural justice.

4. As to the first contention that the withdrawal of functional allowance to Shri Selvaraj is violative of Section 9-A of the Industrial Disputes Act, it is first necessary to turn to Ex. W-5, which governs the matter. Chapter V thereof deals with special allowances. Para 5(2) sets out the special allowances payable to workmen other than subordinate staff. Telex operators are one among them. It is clear from para 5(6) that the special allowance is intended to compensate the workman for the performance of certain additional duties and functions, requiring greater skill or responsibility, over and above the routine duties and functions of a workman in the same cadre. Appendix B in Ex. W-5 enumerates the work of a telex operator, which is operating of telex machines on regular assignment, which would attract a special allowance. para 5(9) is important. It reads as follows:

"A workman will be entitled to a special allowance only so long as he is in charge of such work or the performance of such duties which attract such allowance. Whether a workman can be asked to cease to do such work or discharge such duties and consequently cease to draw such allowance, will depend upon the terms of his employment. For instance a workman who is employed permanently as a Head Clerk or Stenographer cannot be deprived of his special allowance by asking him to work as an ordinary clerk or asking him not to work as a Head Clerk or Stenographer. If, however, a recipient of a special allowance wants to give up the work or duties which entitled him to the special allowance, he shall if his request is granted, cease to draw the special allowance."

There can be no doubt that it is the above paragraph which is to prevail. It is clear therefrom that the workman will be entitled to special allowance only when he is in charge of the work of the telex operator and the question whether he can be asked to cease to do this work and draw such allowance will depend upon the terms of this employment. Ex. M-1, by which Shri Selvaraj was asked to do the work of Cable Clerk-cum-telex operator, was until further notice. The illustration given in para 5(9) would show that the management is not precluded from asking him to cease to do the work of a telex operator.

5. Section 9-A of the Industrial Disputes Act says that a notice of change should be given whenever it is proposed to make any change in the conditions of service of workman. The object of the section is to prohibit an employer from making any change in the conditions of service applicable to his workmen in respect of any matter, specified in the 4th schedule, unless he has complied with the conditions mentioned therein. The argument on behalf of the workman is that the payment of special allowance to Shri Selvaraj falls under item 3 of 4th schedule (compensatory or other allowances), and this being a condition of service applicable to him, he cannot be deprived of the special allowance without complying with the provisions of Section 9-A. Admittedly there has been no compliance with that Section. In my opinion, it is not at all correct to say that the payment of special allowance to Shri Selvaraj is a condition of his service. He became entitled to the special allowance by virtue of his being transferred as Cable Clerk-cum-telex operator. It is admitted by Shri Selvaraj, in his evidence as W.W. 1, that there is no separate cadre of telex operator in the Bank. It is not denied that the operation of the telex machine is only as additional duty assigned to clerks or typists, as the case may be. Under para 5(9) of Ex. W-5, which has already been set out, Shri Selvaraj will be entitled to special allowance only when he is in charge of the work of telex operator. The contention that this is a condition of service is certainly not tenable, since it is open to the management to ask Shri Selvaraj to cease to do the work of a telex operator, by transferring him to another branch. The learned counsel for the workmen has invited my attention to the decision of the Supreme Court reported in "Indian Overseas Bank Limited Vs. Their Workmen" (1) in support of his contention that the withdrawal of this special allowance could attract Section 9-A. But that was a case in which the Head Cashier of the Chandni Chowk Branch of the Indian Overseas Bank was in receipt of "key allowance" of Rs. 15 a month. This allowance was started in the Bank on 15-9-1958, after the Sastri Award, but not as a consequence of it. The key allowance was stopped from 1-12-1962. The Desai Award did not include "key allowance" in the special allowances payable to cashiers. Since none of the allowances mentioned covered the "key allowance", it rested with the Bank to continue or discontinue it. The matter was accepted by the Bank as a matter of good will. The Supreme Court held that in as much as the Bank had accepted to pay the "key allowance" as a gesture of good will, it must be treated as a term and condition of service of the Head Cashier, to whom it was admissible and that consequently, under Section 9-A of the Act, notice of change in the condition of service pertaining to the cashier concerned had to be given before it could be stopped. That certainly is not the case here, where the matter, for the reasons already mentioned, is squarely governed by para 5(9), which gives the discretion to the management to ask Shri S. Selvaraj to cease to do the work of a telex operator. The contention that Section 9-A of the Act is attracted to this case has to be rejected.

6. The management has, in its rejoinder, set out certain reasons for transferring Shri Selvaraj from the Cables department to the Bills department. It is apparently the unsatisfactory work of Shri Selvaraj, as reflected in Ex. M-2, M-8 and M-9. These documents have been marked by consent. They show that Shri Selvaraj's work as Telex Operator was not satisfactory. As W.W. 1, Shri Selvaraj has refuted the allegations in Exs. M-2, M-8 and M-9. These documents are relied on by the management only to show that the transfer of Shri Selvaraj to the Bills department was not done in an arbitrary or capricious manner. To put it differently, he was withdrawn from the work of Telex Operator, which he was discharging, because of certain lapses on his part. It cannot be contended with any force that Shri Selvaraj should have been given an opportunity to meet the allegations contained in Exs. M-2, M-8 and M-9 or that at least before this tribunal, the management should have substantiated those allegations before justifying the transfer of Shri Selvaraj. This is not a case where any disciplinary action has been taken against Shri Selvaraj by the management. They have only transferred him from one section to another, which is a managerial function. The management could have done it even without assigning any reason, despite the fact that the transfer involved Shri Selvaraj ceasing to draw a special allowance. The transfer being one in the discretion of the management, it cannot be assailed for the reason that no opportunity was given to him (Shri Selvaraj) to repudiate the allegations made against him with regard to his functioning as a Telex Operator. Apparently, the management did not want to take any disciplinary action against him for his lapses as Telex Operator. (1) F.L.R. 1969 (18)-P.108.

tor, but were satisfied by transferring him to another department. I can find no substance in the contention that Shri Selvaraj should have been given an opportunity to meet the allegations contained in Exs. M-2, M-8 and M-9, before transferring him.

7. The further contention is that this is an act of victimization by the management for the trade union activities of Shri Selvaraj. He has stated that he was connected with the Bank Staff Association, either as President or Secretary, till 1972. He has not, in so many words, said that his transfer to the Bills department is a measure of victimisation by the management. No doubt there is an allegation in the claim statement that the withdrawal of the work of Telex Operator from Shri Selvaraj amounts to victimization and unfair labour practice, and that it has been resorted to by the management not in bona fide exercise of discretion. The management has denied this allegation. As early as in August, 1972, the management has, in Ex. W-4, denied that Shri Selvaraj's trade union activities had provoked by the management to withdraw the operator's duty from him. There is no basis for this allegation. In fact, Exs. M-2, M-8 and M-9 would show that the management had sufficient justification to transfer him to the Bills department and that this was done in the bona fide exercise of its discretion and not whimsically. The case of victimization has, in my view, no legs to stand upon. The learned counsel for the management submitted that he had filed Exs. M-2, M-8 and M-9 only to show that there were complaints against the work of Shri Selvaraj in the Telex branch and that he was transferred to the Bills department because of it.

8. So far as the last contention is concerned, namely, that his transfer to Bills department as typist is a demotion, it has to be remembered that throughout, he has been a typist, and he continues in that post. He is yet to be promoted to a higher cadre. He continues to do the same work as a typist in the Bills department. Thus, there is absolutely no force in the contention that he has been demoted as a typist by virtue of Ex. M-3. In the claim statement, it is not contended that he has been demoted from the post of a clerk to that of a typist, but what is stated is that withdrawal of the work of a Telex Operator from him amounts to demotion, and that it is a punitive action. For reasons already stated, there is no question of the withdrawal of the functions of Telex Operator from Shri Selvaraj being a punitive action or amounting to his demotion. He can get his special allowance only when he does the work of a telex operator, and when that work ceases, it follows automatically that he cannot draw that allowance. In this connection, the learned counsel for the workman has relied on Ex. W-2, a letter from the manager to the Bank Staff Association, in which it has been stated that all individuals performing functional allowance positions prior to 25-2-1971 and continuing to perform those functions after that date, will continue to do so. Shri Selvaraj was appointed to a functional allowance position, long before February, 1971. It is therefore contended that there was no justification for the management, in the light of Ex. W-2, to withdraw the duties of Telex Operator, carrying special allowance, from Shri Selvaraj. In the very same letter, dealing with special allowances, the manager has stated that even though seniority will be given its agreed priority, that will not be the main criteria for appointment to these positions. I can find nothing in Ex. W-2 which disentitles the management from transferring Shri Selvaraj to the Bills department.

9 In the result, an award is passed that the management is justified in withdrawing the work of Telex Operator duties from Shri Selvaraj, with effect from 18-7-1972.

Dated, this 1st day of August, 1973.

G. GOPINATH,  
Industrial Tribunal

Witnesses Examined

For workmen

W.W. 1—Thiru S. Selvaraj.

For management : None.

DOCUMENTS MARKED

For workmen

Ex. W-1/24-9-1968—Memorandum issued to the staff about rotation.



- Ex. W-2/6-7-1971—Letter from the management to the union regarding posting of staff to Branches, promotions, special allowance etc.
- Ex. W-3/22-7-1972—Letter from the union to the management about the transfer of W.W. 1.
- Ex. W-4/10-8-1972—Letter from the management to the union, in reply to Ex. W-3.
- Ex. W-5/19-10-1966—Settlement on the Industrial disputes between certain Banking Companies and their workmen.
- Ex. W-6/14-4-1972—Telex message No. 8685 (in the Incoming cables Register).
- Ex. W-7/12-10-1970—Settlement between Indian Banks' Association and All India Bank Employees' Association.

## For Management

- Ex. M1/24-9-1968—Similar to Ex. W-1.
- Ex. M-2/8-3-1972—Telex message.
- Ex. M-3/17-7-1972—Memo issued to W.W. 1 transferring him to Bills department.
- Ex. M-4/22-6-1971—Letter from the union to the Management about the transfer of Thiru Jambunathan, an Authorised signer from Calcutta Branch.
- Ex. M-5/28-6-1971—Letter from the union to the management regarding extra staff recruitment and promotions.
- Ex. M-6/1-7-1971—Letter from the Union to the management about the transfer of Thiru Jambunathan, promotions, special allowances etc..
- Ex. M-7/31-12-1971—Memo for personal files about the performance of W.W. 1.
- Ex. M-8/14-4-1972—Memo issued to W.W. 1 about the processing of telex messages.
- Ex. M-9/26-5-1972—Memo issued to W.W. 1 asking him to explain for not preparing the outgoing messages.
- Ex. M-10/11-8-1972—Memo issued to W.W. 1 about his incomplete jobs.
- Ex. M-11/20-11-1972—Memo issued to W.W. 1 asking him to explain the reason for non-attendance on 16-11-1972.

NOTE:—The parties are directed to take return of their document/s within six months from the date of the award.

G. GOPINATH,  
Industrial Tribunal  
[No. L. 12012/6/73-LR III]

New Delhi, the 20th August, 1973

**S.O. 2491.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Messrs Lodna Colliery Company (1920) Limited, Post Office Jharla, District Dhanbad and their workmen, which was received by the Central Government on the 14th August, 1973.

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD,

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 36 of 1972

## Parties :

Employers in relation to the management of Messrs Lodna Colliery Company (1920) Limited, Post Office Jharla, District Dhanbad.

AND

Their Workmen.

## Present :

Mr. Justice D. D. Seth (Retd.),—Presiding Officer.

## Appearances :

For the Bharat Coking Coal Ltd.—Shri S. S. Mukherjee, Advocate with R. V. K. Rao.

For the Workmen—Shri S. P. Singh, General Secretary, Khan Mazdoor Congress with Shri Awadhesh Tewari.

State : Bihar

Industry : Coal.

## AWARD

Dhanbad, dated the 9th August, 1973.

The present reference arises out of Order No. L-2012/196/71-LR II dated New Delhi, the 12th October, 1972 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

"Whether the action of the management of Messrs Lodna Colliery Company, Post Office, Jharla, District Dhanbad, in dismissing Shri Awadhesh Tewari, Dust-in-charge, with effect from the 29th March, 1971 is justified? If not whether the workman has a claim to be taken back in service by Messrs Bharat Coking Coal Limited, Dhanbad, in whom now the management of Lodna Colliery vests? To what relief is the workman entitled to?"

2. The dispute has been settled out of Court. A memorandum of settlement, dated 7-8-73 has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the Memorandum of Settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

D. D. SETH, Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, DHANBAD.

Reference No. 36 of 1972

Employers in relation to Lodna Colliery,

AND

Their Workman

That without prejudice to the respective contentions the parties the dispute in the above reference has been amicably settled as follows :—

1. That Awadhesh Tewari, the concerned workman is already appointed in Burragarh Colliery of M/s. Bharat Coking Coal Limited, as an Overman since 1-5-1971.

2. That as the concerned workman is already working and drawing his wages before the actual date of dismissal namely 15-6-1971, there can be no claim for reinstatement or back wages arise.

3. That the employers have agreed to pay a sum of Rs. 100 (Rupees One Hundred) only towards the cost of this proceeding to Sri S. P. Singh, the representative of the concerned workman.

It is therefore, humbly prayed that the above terms of compromise may kindly be accepted and an Award passed in terms thereof.

For Workman

S. P. SINGH

General Secretary,

Khan Mazdoor Congress

AWARSESH TEWARI

Concerned workman.

For Employers.

S. S. MUKHERJEE

R. V. K. RAO

Memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Central Government under section 15 of the Industrial Disputes Act.

D. D. SETH, Presiding Officer.

BEFORE THE HON'BLE PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
(NO. 1) AT DHANBAD

In the matter of:

Reference No. 28 of 1972

Parties :

Employers in relation to Lakurka Colliery.

AND

Their Workmen.

Memorandum of Settlement

All the parties in the present proceedings have amicably settled the dispute involved in the present reference on the terms hereinafter stated:

- (1) That Sri Paresh Nath Chatterjee (Cap Lamp Repairer) the workmen concerned in the present Reference has already been working since 13-10-1972 in Narainpur Colliery and with the amalgamation of the said Narainpur Colliery with Kooridih Colliery which now belongs to Bharat Coking Coal Ltd., the services of Sri Paresh Nath Chatterjee have been transferred to Kooridih Colliery w.e.f. 25-6-1973.
- (2) That Sri Paresh Nath Chatterjee has no claim for his reinstatement. He shall however be given the benefit of the continuity of service. The management has also agreed to pay a sum of Rs. 500 (Rupees Five hundred only) to Sri Paresh Nath Chatterjee as *ex gratia*.
- (3) That Sri S Das Gupta a representative of the workmen shall be paid a sum of Rs. 100 (Rupees one hundred only) towards the cost of the proceedings.

It is therefore, prayed that the Hon'ble Tribunal may be pleased to accept the settlement and give its awards interms thereof.

For the Employers

For the Workmen

Bharat Coking Coal Limited.

[No. L-2012/28/72-LRII.]

New Delhi, the 23rd August, 1973

S.O. 2493.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the management of East Nimcha Colliery, Post Office Jaykaynagar, District Burdwan and their workmen, which was received by the Central Government on the 17th August, 1973.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT  
CALCUTTA

Reference No. 71 of 1972

Parties :

Employers in relation to the management of East Nimcha Colliery,

AND

Their Workmen.

Present :

Sri S. N. Bagchi, Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1 AT DHANBAD.

In the matter of a reference under section 10(1)(d) of the  
Industrial Disputes Act, 1947

Reference No. 28 of 1972

Parties :

Employers in relation to Lakurka Colliery, Post Office  
Katrassgarh, District Dhanbad,

AND

Their Workmen.

Present :

Mr. Justice D. D. Seth (Retd.)—Presiding Officer.

Appearances :

For the management—Shri S. S. Mukherjee, Advocate.

For Bharat Coking Coal Ltd.—Shri S. S. Mukherjee,  
Advocate.

For the Workmen—Shri S. Das Gupta, Advocate, with  
Shri Paresh Nath Chatterjee, the concerned workman.

State : Bihar

Industry : Coal.

Dhanbad, dated, the 9th August, 1973

AWARD

The present reference arises out of Order No. L/2012/28/72-LRII dated New Delhi, the 26th August, 1972 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows:—

"Whether the action of the management of Lakurka Colliery, Post Office Katrasgarh, District Dhanbad at present under the management of Bharat Coking Coal Limited in stopping Shri Paresh Nath Chatterjee, Cap Lamp Repairer from duty with effect from the 21st October, 1971 is justified? If not, to what relief is the workman entitled?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed today in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the



**Appearances :**

On behalf of Management—Absent.

On behalf of Workmen—Absent.

**State :** West Bengal.**Industry :** Coal Mine.**AWARD**

By Order No. L/19012/77/72-LR II, dated 6th December, 1972, the Government of India, in the Ministry of Labour and Rehabilitation (Department of Labour & Employment), referred the following dispute existing between the employers in relation to the management of East Nimcha Colliery and their workmen, to this tribunal, for adjudication, namely :

"Whether the demand of Colliery Mazdoor Sabha, G.T. Road, Post Office Asansol, District Burdwan that the workmen mentioned in Schedule II are entitled to be taken back in service, by the management of East Nimcha Colliery, Post Office Jaykaynagar, District Burdwan and paid full wages with effect from the 26th December, 1971 is justified? If so, to what relief are the workmen entitled to and from what date?

**SCHEDULE II**

1. Surendra Sarma	Lamp Room Incharge
2. Rameswar Sarma	Munshi
3. Barisan & Rambaisan Chowdhury	Banksman
4. Mohon Chowdhury	Trammer
5. Baleswar Sarma	Timber Mistry
6. Ramraj Chowdhury	Loader
7. Ramsuhahan Misra	Pump Khalasi
8. Sadik Mia	Loader
9. Anant Pandey	Munshi
10. Jogendar Singh	Banksman
11. Kishandeo Sarma	Pump Khalasi
12. Parma Chowdhury	Trammer
13. Jangbahadur Chowdhury	Trammer
14. Ram Pranesh	Banksman
15. Sankar Chowdhury	Trammer
16. Chandrika Chowdhury	Trammer
17. Ramkishan Harijan	Loader
18. Sri Ram Chowdhury	S. Trammer
19. Ramchandra Chowdhury	H. Khalashi
20. Jaigobind Chowdhury	Banksman."

2. The notices were issued upon the management and the Organising Secretary, Colliery Mazdoor Sabha, G. T. Road, P.O. Asansol, District Burdwan. The management appeared by filing a statement of case but the workmen did not appear, in spite of service of notice through the Organising Secretary of the Union concerned, nor filed any written statement. On 6-7-1973 a joint petition purporting to be a memorandum of compromise was filed before this tribunal for being recorded. On 9-8-1973, the date fixed for recording the compromise neither the management nor the workmen appeared through the union, or otherwise than through the union.

3. The compromise cannot be recorded since the dispute referred to for adjudication is not, according to law, an industrial dispute under Sec. 2(k) of the I.D. Act, and as such, the reference of the dispute cannot be entertained and adjudicated upon by this tribunal even on compromise. The reasons are—

4. It has been held already in Reference Case No. 103 of 1971 and No. 67 of 1972 (vide awards already published in the Gazette of India) that the Colliery Mazdoor Sabha, AITUC, P.O. Asansol, District Burdwan is not a registered trade union. The Organising Secretary of such an organisation purported to represent the workmen as a member of the executive of a registered trade union before the Conciliatory authority while the demand relating to the dispute had been laid by such Organising Secretary before the Conciliatory Authority. The conciliation failed. Upon the failure of the conciliation report, the Central Government exercised juris-

diction to refer the dispute in the issue as constituted in the order of reference for adjudication by this tribunal. The Organising Secretary of the Colliery Mazdoor Sabha, AITUC, by his representation before the conciliatory authority that he was a member of the executive of a registered trade union, committed fraud upon the Statutes, i.e. the Indian Trade Unions Act, 1926 and the Industrial Disputes Act, 1947. The Conciliatory Authority as well as the management took it for granted that the Colliery Mazdoor Sabha, AITUC, P.O. Asansol, District Burdwan was a registered trade union and that the Organising Secretary of such an organisation was one of the members of the executives of such a lawfully registered trade union. But in fact and in law, the trade union was found in Reference Case No. 103 of 1971 as being not a registered trade union whereof the Organising Secretary was not a member of the executive of a registered trade union. The workmen, involved in the dispute, were not, therefore, members of a registered trade union. So, the fraud by false representation that was made by the Organising Secretary of Colliery Mazdoor Sabha, AITUC, before the conciliatory authority vitiated the conciliation proceedings. That fraud affected the Central Government's action in deciding that an industrial dispute, as constituted in the issue appearing in the order of reference did, as if exist, under the law, and, thereupon, referred the dispute for adjudication by this tribunal. Fraud vitiates everything. The dispute, that was sponsored by the Organising Secretary of Colliery Mazdoor Sabha, acting as it were that he was an office bearer of a registered trade union was thus vitiated by the fraud of the Organising Secretary of the said trade union, and the dispute, thereupon lost its legal character as an industrial dispute under Section 2(k) of the Industrial Disputes Act.

5. Finding this situation, the Colliery Mazdoor Sabha, AITUC, P.O. Asansol, District Burdwan did not dare representing the workmen involved in this proceeding by appearing before this tribunal on the date when the so called compromise of the dispute as appearing in the memorandum of compromise was to be recorded. Since the basis of the dispute was vitiated by the fraud committed by the Organising Secretary of the so called trade union, i.e., Trade Union Act and Industrial Disputes Act, the dispute has been referred to for adjudication, cannot be recorded in the eye of law as an industrial dispute under Section 2(k) of the Industrial Disputes Act. Therefore, this tribunal has no jurisdiction either to entertain or to adjudicate upon the dispute, and cannot, therefore, record the compromise of the dispute even in the absence of the parties. The reference is, therefore, rejected.

This is my award.

Dated,

August 10, 1973.

S. N. BAGCHI, Presiding Officer.

[No. L-19012/77/72-LR II.]

KARNAIL SINGH, Under Secy.

New Delhi, the 18th August, 1973

**S.O. 2494.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute "between the employers in relation to the Indian Mercantile Insurance Company and their workmen, which was received by the Central Government on the 7th August, 1973.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY**

**Reference No. CGIT-2/18 of 1968**

Employers in relation to the Indian Mercantile Insurance Company Limited

AND

Their Workmen.

**Present :**

Shri N. K. Vani—Presiding Officer.

**Appearances :**

For the employers—Shri R. L. Baxi, Asstt. Manager.

For the workmen—Shri J. G. Kothare, Joint Secretary, General Insurance Employees' All India Association.

**State :** Maharashtra

**Industry :** General Insurance

Bombay, dated the 26th July, 1973

**AWARD—PART II**

By order No. 74(7)/66-1.RIV dated 22-8-1966, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to the Central Government Industrial Tribunal, Bombay for adjudication, an industrial dispute existing between the employers in relation to the Indian Mercantile Insurance Company Ltd. and their workmen represented by the All India General Insurance Employees' Association, Calcutta, in respect of the matters set forth in the Schedule mentioned below :—

**"SCHEDULE**

Whether the following demands put forward by the workmen are justified?

**Charter of Demands**

All the demands contained herein below shall apply equally to all the employees employed in Indian Mercantile Insurance Co. Ltd., throughout India.

**I. CLASSIFICATION OF EMPLOYEES :**

The employees will be classified into the following categories :—

- (a) Sweepers, ~~Peons~~, Maltis, Watchmen, Daftaries and ~~Peons~~ shall be placed in Grade "A".
- (b) Drivers, Liftmen and Oilmen shall be placed in Grade "B".
- (c) Assistants, Telephone Operators, Addressing Machine Operators, Book-Binders, Punch-card Operators, Typists, Receiving and Paying Cashiers, Adrema-Bradma-Power Samas-Comptometer-Hollerith-IBM Machine Operators, Air Conditioning Machines and Electricians shall be placed in Grade "C".
- (d) Junior Supervisory Staff variously termed as Higher Grade Assistants, Special Assistants, Senior Assistants, Head Typists, Senior Cashiers, Stenographers, Draughtsmen, etc. shall be placed in Grade "D".
- (e) Senior Supervisory Staff, variously termed as Superintendents, Assistant Superintendents, Head Clerks, Sectional Heads, Branch Accountants, etc., shall be placed in Grade "E".

**II. SCALES OF PAY :**

- Grade A : Rs. 120-5/6-150-6/7-192-8/6-240 in 19 years.  
 Grade B : Rs. 180-6/2-192-8/6-240-10/3-270 in 11 years.  
 Grade C : Rs. 200-10/4-240-15/10-390-20/4-470 in 18 years.  
 Grade D : Rs. 275-15/5-350-20/5-450-25/5-575 in 15 years.  
 Grade E : Rs. 350-30/6-530-40/4-690 in 10 years.

**III. DEARNESS ALLOWANCE :**

Dearness Allowance shall be paid at the rate of 1% of basic pay for every rise of 1 point over the cost of living index figure of 100 (1949 = 100 points) subject to a minimum of Rs. 30.

All India cost of Living Index shall be taken as the basis for calculating the Dearness Allowance.

**IV. ADJUSTMENTS AND MERGER OF DEARNESS ALLOWANCE :**

An employee shall be fitted into the new scales on a point to point basis. The basic pay and the dearness allowance as on 31-12-1964 shall be treated as basic pay only for the purpose of adjustment of basic pay to the new scale of pay.

If an employee is drawing more basic pay than what is warranted after proper adjustment as above, shall continue to receive the excess amount as personal pay and shall be also given usual annual increments.

**V. SPECIAL ALLOWANCE :**

Employees engaged in work mentioned below and/or designated as below shall be entitled to Special Allowance per mensem in addition to their salaries and emoluments in the manner stated below:—

- (a) Watchmen, Bank Peons, Despatch Peons, Head Peon, Daftaries, Franking Machine and Duplicating Machine Operators and such other employees: Rs. 20/- per month.
- (b) Typists, Comptometer Operators, Punch Cards Operators, Telephone Operators, Addressograph Operators, Paying and Receiving Cashiers and Cashiers, Adrema-Bradma & Power Samas Hollerith and IBM Operators and such other employees: Rs. 30 per month.

**VI. SPECIAL INCREMENTS :**

Besides the above, the employees under Grades "C" and "D" shall be entitled to Special Increments for passing the following examinations on the scale shown against each examination.

On Graduation ..... 2 increments.

On passing the following examinations:

- |  |                                |
|--|--------------------------------|
| 1. Licentiate or A.C.I.I.—Part I         | } One increment for each part. |
| 2. A.F.I.I. Part I or A.C.I.I. Part II   |                                |
| 3. A.F.I.I. Part II or A.C.I.I. Part III |                                |
| 4. Chartered Accountant.                 |                                |

N.B.—In case of Stenographers and Junior Supervisory Staff the total number of Special increments shall not exceed three during that Grade. A Graduate appointed as an Assistant shall get a higher starting salary by two increments. Those graduate Assistants who have not received the Graduation increments shall also get two increments.

**VII. OTHER ALLOWANCES :**

(a) **Overtime Allowance.**—An employee working overtime shall be entitled to overtime allowance for such period of work rendered at the rate of double the hourly rate of wages inclusive of Special Allowance and all other allowances. No employee shall be engaged in for over-time work for more than 90 hours in a calendar year.

**(b) Officiating Allowance :**

(i) If an employee is required to officiate in a higher post, he shall be entitled to an "Acting Allowance" at the rate of 20 per cent of his salary for the period for which he officiates.

(ii) If an employee is required to act in a post for which special pay is provided, he shall be entitled to **pro-rata** special allowance for the period of such work done.

(c) **House Rent Allowance.**—All the employees shall be paid as "House Rent" a sum at the rate of 20 per cent of their Basic Salary per mensem, subject to a minimum of Rs. 40/-

(d) **Lunch Allowance.**—Subsidised lunch or Rs. 2/- per head, per working day, should be paid as 'Lunch Allowance' to all employees.

**VIII. AMENITIES:****Subsidies :**

- (i) Text Books for ACH or Federation of Insurance Institute Examination shall be supplied by the Company in turn. Examination fee shall be paid by the employer after the employee passes the examination.
- (ii) Adequate subsidy shall be given for Sports, Recreation and Cultural Activities of the Employees.
- (iii) All the employees shall be entitled to a Free Personal Accident (Annual) Policy, the premiums of which shall be borne by the employers. The sum assured of such a Policy shall be Rs. 10,000/-, Rs. 7,500/-, Rs. 5,000/- and Rs. 2,500/- for the employees in Grades E, D, C & B and A respectively.
- (iv) Adequate subsidy shall be given for cheap canteens for supply of wholesome food to the employees in each of the office premises.

**IX. RETIREMENT AGE :**

The age of retirement of an employee shall be 60 years.

**X. PROVIDENT FUND:**

- (i) All permanent employees including part-time employees should be made members of the Provident Fund.
- (ii) The rate of contribution should be 8 1/3 per cent of the total emoluments, i.e. basic pay plus dearness allowance plus special allowance, if any, with equal contribution by the Company. The employees should however, be allowed to contribute voluntarily upto 15 per cent of their salary without corresponding contribution from the Company.
- (iii) Interest at a minimum rate of 4-1/2 per cent should be paid on the total contribution by the employees and the company from time to time.
- (iv) Unclaimed fund should be distributed **pro-rata** every three years amongst the existing employees from time to time.
- (v) Full benefits of the Fund should be permitted to the employees on completion of five years of service.
- (vi) Loan from the Provident Fund to the extent of 6 months salary or 90 per cent of the employees' contribution whichever is less shall be granted to the employees at a time.

**Board of Trustees.**—On the Board of Provident Fund Trust the employees and the employers should have equal number of representatives. The employees' representatives should be elected by themselves by simple majority of votes. Re-election of the employees' representatives should be held every three years unless necessitated earlier by death or resignation or recall by a majority of the employees.

**XI. LEAVE:**

**Casual Leave.**—15 days casual leave should be given in a calendar year. 6 days casual leave may be granted at a stretch. Casual leave may be prefixed and suffixed to holidays and Sundays.

**Privilege (Earned) Leave.**—Privilege leave should be allowed to all employees at the rate of 1 day for every 11 calendar days. Employees should be allowed to accumulate leave upto 6 months. Return fare to the employee, his wife and dependants should be granted once in two years for going anywhere in India.

**Sick Leave.**—Thirty days sick leave per year should be allowed on full pay to the employees with a maximum accumulation of 12 months during the service period.

In case of prolonged illness further sick leave with half pay should be allowed upto six more months and another six months without pay.

**Maternity Leave.**—Maternity leave upto the period of three months shall be allowed to all female employees.

**Examination Leave.**—Employees shall be allowed adequate leave for appearing in all the recognised examinations in addition to all other leave.

**Special Leave.**—Adequate leave shall be allowed to the Union Representatives and Office Bearers of the All India Insurance Employees' Association and/or its affiliated units to enable them to attend meetings and conferences of the Unions and their Central Organisations and to participate in the Tribunals and Conciliation Proceedings.

**Furlough Leave.**—Employees on retirement shall be granted six months leave as 'Leave preparatory to retirement' or in lieu thereof six months' total salary should be paid.

**XII. SECURITY OF SERVICE:**

No employee shall be victimised for trade union activities.

**XIII. WORKING HOURS :**

The working hours for employees in Grades C, D and E shall be 33 hours a week and 36 hours for employees in Grades A and B. A grace time of 15 minutes shall be allowed before they are marked late.

**XIV. BONUS:**

**Customary.**—Employees shall be paid three months basic salary as Bonus per year.

**XV. UNIFORMS TO EMPLOYEES IN THE GRADES A & B:**

An employee of Grade A & B shall be provided with the following outfit annually:

**XVI. ALLOWANCE DURING SUSPENSION:**

1. Summer Uniform : Three sets.
2. Umbrella : One.
3. Footwear : Two pairs.
4. Rain Coat : One for those who are to do out-door duties.
5. Caps or Turbans :

During the suspension of an employee, he shall be paid allowance equal to 75 per cent of his total wages.

**XVII. RECRUITMENT:**

Recruitment shall be made from amongst the retrenched employees of the General Insurance Industry, registered in the pool as demanded in the resolution adopted in the All India Convention of General Insurance Employees held on the 15th and 16th August, 1960 in Bombay under the auspices of the All India Insurance Employees' Association. Only in case such employees are not available in the Pool recruitment might be made through local Employment Exchanges. In case of recruitment from among the retrenched employees, due credit shall be given to the past service and all restrictions regarding age, educational qualifications etc. applicable to new recruits shall be waived.

**XVIII. CONFIRMATION:**

Employees shall be confirmed after 3 months probationary service automatically.

**XIV. TEMPORARY STAFF:**

The Company may employ temporary employees for performing duties of purely temporary nature. But such staff in no instance shall exceed more than 6 months in temporary service, after which he shall be treated automatically in permanent service, from the date of appointment.

**XX. PROMOTION:**

No direct recruitment shall be made in Grades D & E and all vacancies in these Grades shall be filled in by way

of promotion. The promotions shall be made on the basis of seniority and merits of the employees. Employees in Grades A & B shall be absorbed in Grade "C" on passing S.S.C., S.S.L.C. or equivalent examinations.

#### XXI. TRANSFER:

No employee shall be transferred from one place to another without his prior consent.

#### XXII. DATE OF EFFECT:

All benefits stated in this Charter of Demands shall have effect from the 1st day of January, 1965.

#### XXIII. WASHING ALLOWANCE FOR SUB-STAFF:

Each member of Sub-staff shall be paid washing allowance of Rs. 10/- per month for washing the Uniforms.

#### XXIV. HOLIDAYS:

All the Holidays declared under the Negotiable Instrument Act, 1881 shall be paid holidays for the employees. But in case the number of holidays under the Negotiable Instrument Act is less than 22 days, the employees shall be given additional holidays on festival days to make a total of 22 days.

#### XXV. SECTIONAL HOLIDAYS:

A minimum of ten days shall be given as paid sectional holidays for all employees (on a restricted worktime basis) of not less than 3 hours on each holiday in a Calendar year.

#### XXVI. LOANS FOR ACCOMMODATION:

Employees shall be granted loan for acquiring housing accommodation to the extent of 80 per cent of the total cost of for such accommodation.

#### XXVII. TRADE UNION RIGHTS:

The All India Insurance Employees' Association and its affiliated Units shall be given due recognition and such facilities as providing Trade Union Offices and holding Trade Union Meetings in Office premises and hanging notice board of the Union should be granted.

#### XXVIII. EXISTING RIGHTS & PRIVILEGES:

Nothing contained in this charter shall adversely effect or take away from any employee or group of employees any right, privileges or usages, practice or conventions, amenities or other conditions of service that are already vested in or enjoyed by such employee or group of employees.

2. Later on, by order No. 22/8/68-LR/III dated 25-11-68 the Central Government transferred this reference to this Tribunal No. 2, for adjudication.

3. The facts giving rise to this reference are as follows:—

- (i) On 19-10-1965, there was an agreement between the parties that all demands contained in the Charter of demands shall be referred to an Industrial Tribunal for adjudication and both the parties shall make a joint application under Section 10(2) of the I.D. Act, 1947 to the Government of India for reference of the dispute arising out of the Charter of Demands to an Industrial Tribunal for adjudication. In pursuance of this agreement joint application for reference of an industrial Dispute to an industrial Tribunal under Section 10(2) of the Industrial Disputes Act, 1947 was made in Form 'A' on 6-6-1966, vide Ex. 26/W. On account of this application the Government made this reference to the Tribunal for adjudication.

4. Shri K. S. B. Pillai, Joint Secretary of the All India General Insurance Employees' Association on behalf of the workmen has filed written statement at Ex. 1/W in respect of all demands and replication at Ex. 3/W.

5. The General Manager, Indian Mercantile Insurance Co. Ltd., has filed written statement at Ex. 2/E opposing the demands of the workmen and rejoinder at Ex. 4/E.

6. Both the parties had negotiations in regard to the above dispute. As a result of the said negotiations, they arrived at an amicable settlement in respect of the employees of the company at its Head Office at Bombay under section 18 read with Section 2(p) of the I.D. Act, 1947. Both the parties gave application dated 3-3-1970 praying that Award Part I be made in terms of the Annexure to the application Ex. 31/EW.

7. On 27-2-1970, the General Manager, Indian Mercantile Insurance Co. Ltd. has filed statement at Ex. 29/E raising preliminary objections. The main contention was that the reference was only for the Bombay office and not in respect of the employees of the company working in the branches all over India. On account of this contention I have decided the preliminary objection on 1-4-1970, holding that the present reference relates to all the employees employed in the Indian Mercantile Insurance Company Ltd. throughout India. I accepted the settlement Ex. 31/EW in respect of the employees employed at the Head Office of the company at Bombay and passed the Award in terms of settlement Ex. 31/EW. I have also directed that the reference should be fixed for hearing in respect of the employees of the company working in branches throughout India.

8. Against my finding on preliminary point, the management had preferred Writ Petition in the High Court at Bombay and this reference was kept pending.

9. On 22-3-1973 the Asstt. Manager, Indian Mercantile Insurance Company Limited has produced a letter in this Tribunal. It is as follows:—

"The Presiding Officer,  
The Central Government Industrial Tribunal,  
Bombay-400001.

Dear Sir,

Ref:—Ref. No. CGIT-2/18 of 1968 (Previous Ref. No. CGIT-43 of 1966)

We send you herewith 10 copies of the Joint application alongwith Annexure 'A and B' for passing the 'No dispute' award in respect of Branch employees."

10. Alongwith the above mentioned letter application bearing signatures of Shri R. L. Baxi, Asstt. Manager of the Company and Shri J. G. Kothare, Joint Secretary of the Association as mentioned below was filed at Ex. 32/EW.

"May it please this Honourable Tribunal,

Whereas this Hon'ble Tribunal has given Award Part I which was published in the Gazette of India Part II dated 2nd May, 1970 on page 2128 as per Annexure 'A'.

And whereas the company preferred a Petition in the High Court at Bombay on the grounds that the above reference did not cover the workmen employed by the company's Branches.

And whereas the parties, during the pendency of the High Court Petition, have arrived at a settlement and it is agreed that the Petition in Bombay High Court will be withdrawn.

And whereas the settlement dated 13th June, 1972 is arrived at Between the parties as per annexure 'B'.

And whereas the parties jointly pray that an Award Part II be made in the above reference and the whole reference will stand disposed of in respect of all demands between the parties."

Bombay dated this Second day of March 1973".

11. On 26-7-1973 the Asstt. Manager, Shri R. L. Baxi has been examined at Ex. 34/E as a witness on behalf of the management before me. He has produced the letter No. S/881 dated 7-4-1973 from Manilal Kher Ambalal & Co., Solicitors and Notary addressed to the company at Ex. 35/E and original settlement dated 13-6-72 at Ex. 33/EW. Copy of the settlement is also Ex. 33/EW.

12. The Joint Secretary, Shri J. G. Kothare has been examined as a witness on behalf of the employees at Ex. 36/W before me.

13. Letter Ex. 35/E from Manilal Kher Ambalal & Co., Solicitors and Notary, 51, Mahatma Gandhi Road, Fort, Bombay addressed to the Indian Mercantile Insurance Co. Ltd. is as follows :—

"Dear Sirs,

Attention of Mr. R. L. Baxi

Re : Misc. Petition No. 377 of 1970

Yourselves

Vs.

N. K. Vani & others.

We have to inform you that the above Petition was kept on Board for withdrawal before his lordship Justice Nain and the same was allowed to be withdrawn by consent with no order as to costs. We shall submit our Bill in due course."

14. In view of the above mentioned letter and the application ex. 32/EW it appears that during the pendency of the High Court Petition, both the parties arrived at the settlement Ex. 33/EW, agreeing to withdraw the Writ Petition in the Bombay High Court and making application to this Tribunal for passing Award Part II in terms of settlement Ex. 33/EW. It is also clear that thereafter the writ petition was kept on board for withdrawal before His Lordship Justice Nain and the same was allowed to be withdrawn by consent with no order as to costs, vide Ex. 35/E. It is therefore clear that the Writ Petition has been withdrawn.

15. Asstt. Manager Shri R. L. Baxi of the Company and the Joint Secretary Shri J. G. Kothare of the Association prove the application Ex. 32/EW and the original settlement Ex. 33/EW.

16. On going through the settlement Ex. 33/EW, it is crystal clear that it is fair, just and equitable and that it is in the interest of both the parties. I therefore accept the same and pass Award Part II in terms of this settlement.

17. In the end I pass the following order.

#### ORDER

- (i) Award Part II is made in terms of settlement dated 13-6-1972, Ex. 33/EW.
- (ii) Settlement Ex. 33/EW is to form part of this Award.
- (iii) No order as to costs.

N. K. VANI, Presiding Officer.

#### ANNEXURE "B"

#### Ex. 33/EW

#### MEMORANDUM OF SETTLEMENT

Representing the employers—Shri T. S. Swaminathan  
Custodian, Indian Mercantile Insurance Company  
Ltd.

Representing workmen—Shri K. S. B. Pillai, General  
Secretary, General Insurance Employees All India  
Association.

#### Short Recital of the case

WHEREAS in exercise of the powers conferred by sub-section (2) of the Section 10 of the Industrial Dispute Act, 1947 the Government of India by an order number 74 (4)/66-LRIV dated 22nd August, 1966 referred the industrial dispute between the Indian Mercantile Insurance Company Ltd., and their workmen relating to the Charter of Demands dated 27th February, 1965 submitted by the All Indian Insurance Employees' Association for an adjudication to the Industrial Tribunal Bombay.

AND WHEREAS by order dated 1st April, 1970 the said Tribunal passed an award part I in terms of the settlement in respect of the workmen of the Indian Mercantile Insurance

Company Ltd., working at the Head Office in Bombay and fixed for hearing the reference in respect of the workmen of the Company working at the branches throughout India.

And whereas the company preferred a writ petition in the High Court at Bombay for restraining the Tribunal from taking any further steps or proceedings in connection with the reference on the grounds that the reference did not cover the workmen employed at branches and obtained an injunction and the said petition is still pending before the High Court.

And whereas on the 13th May, 1971 the management of the undertaking of all General Insurance Companies was taken over by the Government of India under the General Insurance (Emergency Provisions) Act 1971.

And whereas the Central Government has directed all the Custodians to settle all pending labour disputes of the workmen employed in the undertaking amicably.

And whereas in pursuance of this directive negotiations were carried on from time to time between the Custodian appointed by the Central Government under Section 4 of the General Insurance (Emergency—Provisions) Act, 1971 and the General Insurance Employees' All India Association which organisation represents all the workmen of the Company since 1st August, 1971 and as a result of such negotiations a settlement in respect of the workmen employed at the branches of the company has been arrived at on the terms set out hereunder.

#### Terms of Settlement

1. This settlement applies to all the full-time employees in the Supervisory, Clerical and sub-staff categories working in the branches of Indian Mercantile Insurance Company Ltd., other than Calcutta and does not apply to part-time employees and such of the temporary employees who ceased to be in service on or before the signing of this settlement.

2. It is agreed that with effect from 1st January 1971 all the employees covered by this settlement shall be paid monthly ad-hoc allowance in addition to their normal emoluments.

3. It is agreed that the amount of the ad-hoc allowance will be arrived at on the following basis :—

Sub-Staff (including Drivers): The difference between Rs. 160 plus Rs. 3 for each year of service put in by the employees as on 31/12/1970.

#### AND

the total monthly emoluments as on 31st December, 1970 including Basic salary, Dearness Allowance and all other allowance.

Supervisory & Clerical Staff: The difference between Rs. 250 plus Rs. 5 for each year of service put in by the employees as on 31/12/1970.

#### AND

the total monthly emoluments as on 31st December, 1970 including Basic salary, Dearness Allowance and all other allowances.

But, the ad-hoc allowance shall in no case be less than Rs. 50 in the cases of Sub-staff and Rs. 70 in the cases of supervisory & Clerical Staff.

4. It is agreed that the monthly ad-hoc allowance shall be treated as basic salary for the purposes of any benefits which may be dependent on basic salary other than Bonus.

5. It is agreed that the interim payments made in December, 1971 equivalent to one month's salary with a minimum of Rs. 200 shall be recovered in monthly instalments in such a manner as to be completely liquidated before 31st December, 1972.

6. It is agreed that the annual increments due on 1st January 1972 will be either the average of the amounts of increments allowed during the years 1969, 1970 & 1971 or Rs. 10, Rs. 15 and Rs. 25 per month in the case of sub-staff, Clerical & Supervisory staff respectively, whichever shall be higher.

7. It is agreed that the settlement will remain in operation till 31st December, 1972.

8. It is agreed that the writ petition pending in the High Court will be withdrawn and the settlement will be filed before the Central Government Industrial Tribunal, Bombay with an application for passing the 'No Dispute' award in respect of Branch Employees.

Bombay, dated this 13th day of June, 1972.

Sd/- T. S. Swaminathan,  
(CUSTODIAN),  
Indian Mercantile Insurance Co. Ltd.

Witnesses :

- (1) Sd/- R. L. Baxi,  
(2) Sd/- E. P. Velhal.

Sd/- K. S. B. Pillai.  
(General Secretary),  
General Insurance Employees' All India Association.

[No. 74(7)/66-LRIV(L.R.I.)]

आदेश

नई दिल्ली, 20 जुलाई, 1973

का०प्रा० 2495.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में भारतीय जीवन बीमा निगम से संबद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या भारतीय जीवन बीमा निगम, खण्ड कार्यालय, लखनऊ के प्रबन्धतंत्र की श्री पी० के० बोस, उच्चतर श्रेणी सहायक (प्रक्षेपक) खण्ड कार्यालय, लखनऊ को 50/- रु० प्रतिमास का स्थानापन्न-भत्ता और दौरा भत्ता अनुज्ञात न करने की कारवाई न्यायोचित है? यदि नहीं, तो वह किस अनुतोष का हकदार है और किस तारीख से?"

[फा०सं० एस० 17012/9/73-एल०प्रा० 1]

ORDER

New Delhi, the 20th July, 1973

S.O. 2495.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Life Insurance Corporation of India and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of the Life Insurance Corporation of India, Divisional Office, Lucknow in not allowing officiating allowance and touring allowance of Rs. 50 p.m. to Shri P. K. Bose, Higher Grade Assistant (Projectionist) Divisional Office, Lucknow is justified or not? If not to what relief is he entitled and from what date?"

[F. No. L. 17012/9/73-LRI]

आदेश

नई दिल्ली, 23 जुलाई, 1973

का०प्रा० 2496.—यतः केन्द्रीय सरकार की राय है की इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में श्री राम नारायण व्यास, खान स्वामी और ठेकेदार, की धनदुराइट रेत पत्थर खान, करोली, जिला सवाई माधोपुर से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या श्री राम नारायण व्यास, खान स्वामी और ठेकेदार की धनदुराइट रेत पत्थर खान, करोली (राजस्थान) में नियोजित कर्मकार किन्हीं सप्तेन राष्ट्रीय और त्योहारी अवकाश दिनों के हकदार हैं?"

[संख्या एल० 29011/39/73-एल०प्रा०-43]

ORDER

New Delhi, the 23rd July, 1973

S.O. 2496.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Dhandurait Sand Stone Mine of Shri Ram Narain Vyas, Mine Owner and Contractor, Karauli, District Sawaimadhopur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur.

SCHEDULE

"Whether the workmen employed in the Dhandurait Sand Stone Mine of Shri Ram Narain Vyas, Mine Owner and Contractor, Karauli (Rajasthan) are entitled for grant of any paid national and festival holiday."

[No. L-29011/39/73-LR IV]

आदेश

नई दिल्ली, 4 अगस्त, 1973

का०प्रा० 2497.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स बीकानेर जिप्सम लिमिटेड, उदयपुर की जामेर कोटरा रॉक फास्फेट खानों के प्रबन्धतंत्र से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (i) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर को न्यायनिर्णयन के लिए निर्देशित करती है।

## अनुसूची

“क्या मैमर्स बोकानेर जिप्सम लिमिटेड, उदयपुर की जामेर कोटरा रांक फासफेट खानों के प्रबन्धतंत्र की, श्री महेश चन्द्र शर्मा, कैण्डी भारसाधक की सेवाएं समाप्त करने की कार्रवाई वैधानिक और न्यायोचित थी? यदि नहीं, तो वह किस अनुतोष का हकदार है?”

[संख्या एल-25012/1/73-एल०आर०-4]

## ORDER

New Delhi, the 4th August, 1973

**S.O. 2497.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Jamer Kotra Rock Phosphate Mines of Messrs Bikaner Gypsum Limited, Udaipur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal Jabalpur constituted under section 7A of the said Act.

## SCHEDULE

Whether the action of the management of Jamer Kotra Rock Phosphate Mines of Messrs Bikaner Gypsum Limited, Udaipur in terminating the services of Shri Mahesh Chandra Sharma, Canteen Incharge was legal and justified? If not, to what relief is he entitled?

[No. L-25012/1/73-LR. IV]

New Delhi, the 23rd August, 1973

**S.O. 2498.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Limestone Quarry of Messrs Kymore Cement Works Limited Kymore and their workmen, which was received by the Central Government on the 13th August, 1973.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM LABOUR COURT, JABALPUR

Dated, June 30, 1973

## Present :

Mr. Justice S. N. Katju, Presiding Officer.

Case No. CGIT/LC(R)(35) of 1972

## Parties :

Employers in relation to the management of Limestone Quarry of Messrs Kymore Cement Works Limited, Kymore and their workmen represented through the Kymore Quarry Karamchari Sangh, Kymore (M.P.).

## Appearances :

For employers—Shri P. S. Nair.

For workmen—Shri Gulab Gupta.

Industry : Cement Works. District : Jabalpur (M.P.).

## AWARD

This is a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

The question referred to this Tribunal for its adjudication is :—

“Whether the action taken by the management of Messrs. Kymore Cement Works Limited, Kymore in terminating the services of Shri Shambhu Singh Ticket No. 2/79 Q.U.H.I. Operator in the Limestone Quarry is justified? If not, to what relief is the workman entitled?”

The workman, Shambhu Singh was appointed on 1-10-1951 as a Heavy Vehicle Driver in M/s. Kymore Cement Works Limited, Kymore (hereinafter called the Company). He had sustained an injury on his left hand while on duty on 11th November, 1969 for which he was treated at the hospital of the Company and declared fit for duty on 29-11-1969. According to the allegation of the workman inspite of the doctor having declared him fit for duty he did not feel comfortable and was unable to discharge his duties. He, therefore, got himself examined by the Government Doctor at Vijayaraghavgarh Dispensary and was treated by him. He ultimately joined his duties on 25-12-1969. Again on 29-12-1969 he according to him, went to visit his parents at Vijayaraghavgarh and while there feel ill. He obtained a medical certificate from a Government Doctor at Vijayaraghavgarh and sent “the same along with an application for medical leave on 30-10-1969”. According to the workman, he did not receive any communication granting or refusing him leave as required by Standing Order No. 10. He continued to remain under the treatment at Vijayaraghavgarh of the Government Doctor and sent another application along with a medical report on 15-1-1970 for grant of further leave for one month. According to the workman, the aforesaid application was sent through his brother but the latter was unable to deliver it and thereafter it was sent by post under a certificate of posting. He was declared fit on 5-2-1970 and reported himself for duty on 5-2-1970 along with a fitness certificate given to him by the Government Doctor of Vijayaraghavgarh. He was not allowed to join his duties and was told that his services had been terminated because he had overstayed his leave. According to him the order terminating his employment was received by him on 7-2-1970 by registered post. The dispute was taken up before the Assistant Labour Commissioner (Central), Jabalpur, but the conciliation proceedings before him ended in failure. It has been contended on behalf of the workman that the order terminating the workman's service by the Company was arbitrary, discriminatory and illegal and no such order could be passed under Standing Order No. 10(a) of the Company.

It has been contended on behalf of the Company that it had received on 1-1-1970 a medical certificate dated 20-12-1969 issued by the Medical Practitioner, Primary Health Centre, Vijayaraghavgarh. It stated that :—

“Shri Sambhu Singh was suffering from Amaebic colities and gastritis and was unfit for duty and he was recommended leave upto 14-1-1970”.

The company granted the workman's leave upto 14-1-1970. But on the expiry of the leave the workman did not make a request for extension of his leave. Thus he had remained absent after the expiry of his leave from 15-1-1970 and according to the Standing Order No. 10(a) of the Certified Standing Orders he had lost his lien on his appointment unless he had returned “within 8 days of the expiry of his leave” and given satisfactory explanation of his inability to return on the expiry of his leave. According to the Company, since the workman did not return within 8 days of the expiry of his leave he was informed by the Company that he had lost his lien on his appointment in terms of the said Standing Orders No. 10(a) of the Company. According to the Company in the aforesaid circumstances the services of the workman stood automatically terminated when he did not return within 8 days of the expiry of his leave granted to him and the order terminating the workman's service was valid, legal and was full justified.

Standing Order No. 10 of the Company runs thus :—

“10(a) Leave—Holidays with pay will be allowed as provided for in the Mines Act, and other holidays in accordance with law, contract, customs and usage.

Any worker desiring to obtain leave shall apply in writing to the officer or officers at least 7 days in advance

under ordinary circumstances on the printed form supplied by the Company. In the event of leave being granted, the applicant shall be so informed by a written order. If the leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires, a copy of the entry in the register shall be supplied to him. The granting of any leave shall be subject to the discretion of the authorities appointed for the purpose and shall depend upon the exigencies of the Company.

No worker shall overstay the leave granted unless he obtains an extension before the expiry of his original leave. If a worker remains absent beyond the period of granted leave, he shall lose his lien on his appointment unless (i) he returns within 8 days of the expiry of the leave and (ii) gives satisfactory explanation to the authority granting his leave of his inability to return on the expiry of the leave.

If a worker, after proceeding on leave, desires an extension thereof, he should apply to the Manager or the Officer authorised by him in that behalf who shall send a written reply, either granting or refusing extension of leave. Request for extension of leave should preferably be made by a registered letter, so as to reach the Manager or the Officer at least three days before the expiry of the original leave."

It may be mentioned that the workman did not submit any application along with the medical certificate (Ex. W/8) which was sent to the Company by registered post on 30-12-1969. It was stated on behalf of the workman that the Company had sanctioned leave to him upto 14-1-1970. The Assistant Labour Commissioner (Central) in his failure report said :—

"After finishing his work on the 29th December, 1969, he went to his village Vijayaraghogarth, which is at a distance of 4 miles from Kymore, and there he fell ill. The next day on the 30th December, 1969, he sent a medical certificate under Registered Post in regard to his illness, according to which, he was certified unfit upto the 14th January, 1970. The employer sanctioned leave upto 14th January, 1970 to the applicant. ...."

It was contended before me that it was necessary for the Company to inform the workman concerned about the grant of leave by a written order and since no such information was received by the workman "the last part of the Standing Order quoted above will not apply to the instant case...." The aforesaid Standing Order says that "in the event of leave being granted the applicant shall be so informed by a written order. If the leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose, and if the workman so desires, a copy of the entry in the register shall be supplied to him". The Standing Order says that a worker should be informed in writing about the grant of leave prayed for by him. Conveying the information is not necessary when the leave is refused or postponed. In such a case the fact of refusal or postponement and the reasons therefor will have to be recorded in writing in a register to be maintained for the purpose and only if the worker so desires a copy of the entry in the register shall be supplied to him. Where leave has been granted but the order granting the leave has not been communicated in writing to the workman it does not follow that Standing Order No. 10 will cease to have any application. The intention behind the provision for conveying the information about flag grant of leave in writing to a workman is that he should be so informed and he may not remain in a state of uncertainty. Furthermore where a worker desires to obtain leave he should "apply in writing to the Officer or Officers at least 7 days in advance under ordinary circumstances on the printed form supplied by the Company." In present case, the application for leave was not made "at least 7 days in advance", nor was it made on the "printed form supplied by the Company". As mentioned above, the workman, according to his allegation, fell suddenly ill at Vijayaraghogarth and sent a medical certificate. Shambhu Singh (W.W.1) stated before me that on falling ill at Vijayaraghogarth on 29-12-1969 he "sent an application for leave from Vijayaraghogarth. A medical certificate from a doctor was also sent

along with an application". It may be mentioned that only a medical certificate was sent and there was no application for leave as was alleged by Shambhu Singh. If the applicant had made an application at least 7 days in advance for grant of leave he could have expected the Company to inform him that the leave applied for had been allowed or not. In the present case, considering the fact that the leave prayed for took immediate effect from the date when the medical certificate was sent or even with retrospective effect from the alleged date of illness, the workman could not insist that the Company should give him the information about the grant or otherwise of the application for leave as provided for by the Standing Order. The workman made a false statement before me when he stated that the application dated 30-12-1969 was sent by registered post. No such application was sent to the Company and nor did the workman produce any copy of such an application which, according to him, was sent by registered post. I am not prepared to believe the workman's statement that he did not know whether leave was granted to him from 29-11-1969 to 25-12-1969. The very fact that, according to him, he sent another application for extension of leave and in that he pointedly prayed for the extension of his leave implies that he was well aware that leave had been granted to him earlier as had been prayed for by him. Sri Shambhu Nath Tiwari (E.W.1) Quarry Manager of the Company stated before me that he sanctioned leave to the workman from 30-12-1969 to 14-1-1970 and thereafter the workman did not send any other application for leave. Shri Shambhu Nath Tiwari (E.W. 1) further stated that "It is the normal practice in the Company that if a person applies for leave and only sends the medical certificate we grant leave on medical ground". He stated that Form Ex. E/1 is the usual application form but Shambhu Singh had not applied for leave on such a form. According to him when an employee applies on such a form a reply is sent on the duplicate form Ex. E/2, but the Company, according to him, does not give separate intimation when leave is asked on medical ground with a medical certificate. Since the workman had neither applied for leave in time nor any such application was made in Form Ex. E/1, it could not be urged by him that the Company did not inform him whether the application had been granted. As mentioned above, I have no hesitation in holding that the workman well that the Company had allowed him leave on medical ground from 30-12-1969 to 14-1-1970. It cannot be said that simply because the normal intimation about the grant of leave was not communicated to the workman therefore the matter had gone beyond the ambit of Standing Order No. 10.

After the expiry of the workman's leave from 14-1-1970 he was required to comply with the provisions of the third para of Standing Order No. 10(a).

According to the workman, he sent an application dated 15-1-1970 along with a copy of the medical certificate dated 15-1-1970 (Ex. W/2 & W/3). Ex. W/4 is a certificate of posting of the aforesaid application. The Company has denied receiving the aforesaid application dated 15-1-1970. Shri Shambhu Nath Tiwari (E.W.1) categorically stated that "after 14-1-1970 no leave application of Shambhu Singh was received by me."

The certificate of posting does raise a presumption that the letter in question was put in transit for delivery by post and in the normal course it would have been delivered to the addressee. Such a presumption in a case of a registered letter is stronger but even in the case of an ordinary letter sent by post under certificate of posting such a presumption does arise. The presumption is, however, rebuttable. There is no reason why such an application if it was sent, was not put before Shri Shambhu Nath Tiwari, the Quarry Manager. It would have been put before him by the clerk concerned in the ordinary course of business. Sri Shambhu Nath Tiwari (E.W.1) stated before me that the dak addressed to the Manager is received by the clerk who deals with such correspondence. The letter in question as shown in the certificate of posting was addressed to the Manager, A.C.C. Cement Factory. If it would have been received by the Company, it would in the ordinary course of business have been put before the Manager. Furthermore the postal certificate has a significant note apparently made by the sender of the notice "Ek Lifafa Medical Certificate Shambhu Singh O.H.E. Operator Kymore (In Hindi)". There is no specific mention of the application for leave. It was contended on behalf of the Company that the aforesaid application dated 15-1-1970 along with a medical



certificate were ante-dated documents. The medical certificate (Ex. W/3) which was given by an Asstt. Surgeon of the Government Hospital, Bijragogarh dated 15-1-1970 was highly unsatisfactory. It did not mention at all the nature of the disease of Shambhu Singh. All it said was that:—

"He is not yet fit to resume to his duties and will take about a month more to be cured. He is recommended leave for the period."

Such a medical certificate has no weight and evidently the Doctor himself tried to be as evasive as he possibly could be. It may also be mentioned that the Doctor concerned was not produced in evidence by the workman. Under the provisions of the Standing Orders No. 10 if a workman desires an extension of leave he should send an application preferably under registered cover "so as to reach the Manager or the Officer at least three days before the expiry of the original leave". In the present case, the workman did not return within 8 days of the expiry of leave nor did he give any satisfactory explanation to the authority concerned of his inability to return after the expiry of his leave. Whether the explanation by the workman for remaining absent was satisfactory or not was primarily a matter for the Company itself. In the present case, the Company was well within its rights to come to a conclusion that the workman had absented himself from duty without any satisfactory cause. Taking all the circumstances into consideration, I am satisfied that the action taken by the management in terminating the services of Shambhu Singh was justified and he is not entitled to any relief. I make my award accordingly. I make no order for costs.

The workman is an old employee of the Company. He was arrested in 1967-68 in connection with a murder case but was subsequently either released or discharged. The Company did not terminate his service while the workman was absent from his duties in connection with that case. It has come in evidence that the workman has gone on leave repeatedly prior to 29-12-1969. Why did the management take a harsh view of the matter and eventually terminated the workman's services when it had condoned all his lapses right upto 1969 is a matter for speculation. I have to make my award while taking into consideration the respective rights and duties of the parties. It is not for me to thrust an unwanted employee on the Company when it is within its rights in terminating his services. Considering the long term of the service of the workman with the Company it would be desirable for the parties to explore the possibility of an amicable settlement between them even after this award.

[No. L-29012/11/72-LR IV.]

S. N. KATJU, Presiding Officer

New Delhi, the 24th August, 1973

**S.O. 2499.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Ispat Limestone Quarry of Rourkela Steel Plant, Hindustan Steel Limited, Satna and their workmen, which was received by the Central Government on the 13th August, 1973.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM LABOUR COURT, JABALPUR

Camp at Allahabad

Dated, the 23rd July, 1973

**Present:**

Mr. Justice S. N. Katju, Presiding Officer.

Case No. CGIT/LC(R)(43) of 1972

(Notification No. L-29011(45)/71-LRIV dated 23-10-1972)

**Parties:**

Employers in relation to the management of Ispat Limestone Quarry of Rourkela Steel Plant. Hindustan Steel Limited, Satna, and their workmen represented through the General Secretary, Ispat Shramik Sangh, Babupur, Satna.

**Appearances:**

For employers—Shri B. B. Rahto, Legal Adviser.

For workmen—Shri A. K. Pandey

**Industry:** Limestone

**District:** Satna (M.P.)

**AWARD**

This is a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

The question referred to this Tribunal is:—

"Whether the demand of the workmen of the Ispat Lime Stone Quarry, Rourkela Steel Plant, Hindustan Steel Limited, at and Post Office Satna, Madhya Pradesh, that Sri M. Nath Electrician, and Sri Ram Payare, Mechanic, should be given the scale of pay of Rs. 168-290 with effect from 1st January, 1967 and Rs. 290-410 with effect from 1st September, 1970 as per the recommendations of the First Central Wage Board for Iron & Steel Industry and Agreement dated the 27th October, 1970 of Joint Wage Negotiating Committee for the Steel Industry respectively, is justified? If so, to what relief are these workmen entitled?"

The dispute relates to two workmen M. Nath Electrician and Ram Payare, Mechanic, of the Ispat Lime Quarry, Rourkela Steel Plant, Hindustan Steel Limited (hereinafter referred to as the management).

M. Nath was appointed on daily rate basis as a muster roll employee on Rs. 6/- per day on 25-2-1966. His monthly earnings on the basis of 26 days working days were Rs. 156/- p.m. Ram Payare was appointed by the management as a daily rated employee with effect from 12-9-1966 on a daily wage of Rs. 6 plus Rs. 0.50 p. as interim relief which was made in pursuance of the recommendations of the Wage Board for Iron & Steel Industry and was given effect to by the management by its circular dated 19-3-1965 (Annexure 4). Similarly the daily wage of M. Nath was also increased by 0.50 p. per day after 19-3-1965. Again by a circular dated 28-10-1966 the management made a further ad hoc increase of 0.27 per working day with effect from 1-4-1966 in the wages of the workmen. Thus their total wages per month after the aforesaid increments came to Rs. 189.02 per month.

By paragraph 8.16 of the recommendations of the Central Wage Board for Lime Stone and Dolomite Mining Industries, 1967 the Board gave option to implement the Iron and Steel Wage Board recommendations by agreement between the management of Steel Plant and the workmen of their captive Lime Stone and Dolomite Mines and Quarries with effect from 1-1-1967. There was a tripartite settlement between the workmen of the quarry and its management on 14-11-1967 for implementation of the recommendations of the Wage Board. Since the Iron and Steel Wage Board recommendations did not contain any provision for the employee of Hindustan Steel Limited who were working on daily basis the management of the Quarry on its own initiative extended the aforesaid benefits to its daily rated employees by an administrative decision contained in the circular dated 25-1-1968 with effect from 1-1-1967. In the aforesaid circular the daily rated employees whose existing daily basic wage was Rs. 5.50 to Rs. 6.00 per day, exclusive of interim relief were fixed in the time scale of pay of Rs. 135-175 plus dearness allowance. By the aforesaid decision of the management the two workmen M. Nath and Ram Payare were fixed in the time scale of pay of Rs. 135-175 with effect from 1-1-1967. Their total earnings per month came to Rs. 135/- as basic wage together with Rs. 72/- as dearness allowance i.e. in all Rs. 207/- P.M. The two workmen have contended that they were wrongly put in the scale of pay of Rs. 135-175 and they should have been put in the pay scale of Rs. 168-290. It has been contended on behalf of the management that the revised scale of pay of Rs. 168-290 was given in respect of such employees only who were in the time scale of Rs. 168-8-240-10-290 on the material date and since the two workmen before me were neither holding any time scale nor they were in the scale of Rs. 168-290 therefore they were not eligible to the scale of Rs. 168-290 as claimed by them.

It may be mentioned that Ram Payare and M. Nath made an application under Section 33(C)(2) of the I.D. Act before my predecessor in which they claimed that they were wrongly put in the time scale of Rs. 135—175 while they should have been given a higher scale of Rs. 210—290. My learned predecessor expressed the view that the claim of the applicants was misconceived. He observed:—

“The Hindustan Steel Ltd. had no daily rated scales and therefore, it rightly felt when it issued the circular dated 25-1-1968 Exhibit E-2 that the Wage Board recommendation as such was not applicable to daily rated employees without scales. In converting the daily rates into monthly rates it has allowed the grade of Rs. 135—175 to skilled workers Gr. III who had been drawing Rs. 5.50 or Rs. 6.00 per day as basic pay without taking into account the interim and the ad hoc relief”.

He further expressed the view that in proceedings under Section 33(C)(2) of the I.D. Act “the justifiability or otherwise of the offer cannot be enquired into”. The application was, therefore, dismissed.

It has been contended that as recommended by the Joint Wage Negotiating Committee dated 27-10-1970 the two workmen were entitled to the pay scale of Rs. 290—410. As has been mentioned earlier the recommendation of the Central Wage Board for Iron and Steel Industries was not applicable to daily rated employees without scale and consequently they could not claim any benefit under the recommendations of the Central Wage Board for Iron and Steel Industries and the aforesaid Joint Wage Negotiating Committee. The two workmen had benefited when they were put in the time scale of Rs. 135—175. Prior to that their total wages per month were Rs. 189.02 while after the fixation of the aforesaid scale it was increased to Rs. 207 p.m. It was contended on behalf of the workmen that that of the aforesaid amount of Rs. 207 p.m. Rs. 135 was the basic pay and Rs. 72 was dearness allowance. Out of the aforesaid amount of Rs. 72 + (Dearness allowance) Rs. 45/- was fixed Dearness Allowance and the remaining amount was Variable Dearness Allowance. It was contended that if the V.D.A. was left out from consideration then it would appear that the wages given to the workmen after their fixation of the time scale of Rs. 135—175 were less than Rs. 189.02 which they were getting earlier. It was argued that the V.D.A. was liable to fluctuations and if it came down than the total pay packet received by the two workmen might have been less than Rs. 189.02 p.m. which they were receiving earlier. There is no evidence to indicate that the total Dearness Allowance of Rs. 72/- came down at any time after the fixation of the time scale of the two workmen. There is enough evidence to indicate that the two workmen did not suffer at all when they were put in the time scale of Rs. 135—175 together with Dearness Allowance. They were not entitled to be put in any higher pay scale as has been contended by them. It has been contended and not denied by the workmen that at present they are in the time scale of Rs. 255—327. I have, therefore, no hesitation in holding that the claim put forward by the two workmen is untenable.

My award, therefore, is that the demand of Ram Payare and M. Nath for being given “the scale of Rs. 168—290 with effect from 1-1-1967 and Rs. 290—410 with effect from 1-1-1970” is not justified and they are not entitled to any relief. I make my award accordingly. The parties will bear their own costs.

S. N. KATJU, Presiding Officer.

[No. L-29011/45/71-1.RIV.]

प्रादेश

नई दिल्ली, 28 अगस्त, 1973

का० प्रा० 2500—यतः कोरबा अलुमिनियम प्रायोजना, भारत अलुमिनियम कम्पनी लि०, कोरबा (मध्य प्रदेश) के प्रबन्धन और उनके कर्मचारियों के बीच, जिनका प्रतिनिधित्व अलुमिनियम मजदूर संघ, कोरबा, बालको मजदूर कांग्रेस कोरबा और संयुक्त खदान मजदूर संघ करती है, एक औद्योगिक विवाद विद्यमान है ;

और यतः उक्त कम्पनी और युनियनों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को उसमें वाणित व्यक्ति के माध्यमस्वम् के लिए निदेशित करने का करार कर लिया है और उक्त माध्यमस्वम् करार की एक प्रति केन्द्रीय सरकार को भेजी गई है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (3) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार उक्त माध्यमस्वम् करार की, जो उसे 8 अगस्त, 1973 को मिला था, एतद्वारा प्रकाशित करती है।

“(करार)

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)

के बीच :

पक्षकारों के नाम : डा० टी० बी० सिंह, महाप्राबन्धक,

नियोजकों का प्रतिनिधित्व करने वाले : कोरबा अलुमिनियम प्रायोजना, भारत अलुमिनियम कम्पनी लि० कोरबा (मध्य प्रदेश)।

कर्मचारियों का प्रतिनिधित्व करने वाले : भारत अलुमिनियम मजदूर संघ, श्री राम बिलास गोषानाथ, महा-सचिव

बालको मजदूर कांग्रेस,  
श्री आर० बी० कुश, सचिव,  
संयुक्त खदान मजदूर संघ,  
श्री अजीत सिंह वर्मा,  
अध्यक्ष।

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को पौडासीन अधिकारी औद्योगिक अधिकरण, मध्य प्रदेश, इन्दौर के माध्यमस्वम् के लिए निदेशित करने का करार किया गया है।

1—विनिदिष्ट विवाद अस्त विषय : क्या प्रायोजना भते को पूर्ण रूप से या आंशिक रूप से 1-4-1973 से वागिस लेना न्यायोचित और ठीक है ? यदि नहीं तो कर्मकार किंग अनुतोष के अधिकारी हैं ?

2—विवाद के पक्षकारों का विवरण, कोरबा अलुमिनियम प्रायोजना, जिसमें अंतर्बलित स्थापन या जिसमें उसके खनन प्रतिष्ठान शामिल हैं, भारत अलुमिनियम कम्पनी लि०, कोरबा, मध्य प्रदेश। भारत अलुमिनियम मजदूर संघ, कोरबा, बालको मजदूर कांग्रेस कोरबा, संयुक्त खदान मजदूर संघ।

3—यदि कोई संघ प्रणयत कर्मचारियों का प्रतिनिधित्व करता हो तो कोरबा, बालको मजदूर कांग्रेस, उसका नाम : कोरबा। संयुक्त खदान मजदूर संघ।

4—प्रभावित उपक्रम में नियोजित लगभग 1800। कर्मचारियों की कुल संख्या :

5-निवाह द्वारा प्रभावित या सम्भा- 1,000।

व्यक्त प्रभावित होने वाले वर्ग-

कारों की प्राक्कानित सख्या

हम यह करार भी करते हैं कि मध्यस्थ का विनिश्चय हम पर बाध्यकारी होगा।

पक्षकारों के हस्ताक्षर

कर्मकारों का प्रतिनिधित्व करने वाले

साक्षी :-

- (1) ए० के० शुक्ला, (1) ह०-राम बिलास शोभानाथ,  
प्रवर नक्शानवीस बाल्को, महामन्त्रि,  
कोरबा। भारत अलुमीनियम  
मजदूर संघ।
- (2) ह०-एम० मार० कुरै, (2) ह०-मार्० बी० कुरै,  
प्रवर प्रशासन अधिकारी, सचिव,  
भारत अलुमीनियम क० लि० बाल्को मजदूर संघ।  
कोरबा।

- (3) ह०-अजीत सिंह वर्मा,  
अध्यक्ष,  
संयुक्त खदान मजदूर संघ।

नियोजकों का प्रतिनिधित्व करने वाले :

ह०-टी० बी० सिंह,  
महा प्रबन्धक,  
कोरबा अलुमीनियम  
प्रायोजना, बाल्को,  
कोरबा।

[स. एल-29013/1/73-एल० मार-4]

एस० एस० सहस्रनामन, अव्वर सचिव

New Delhi, the 28 August, 1973

ORDER

**S.O. 2500**—Whereas an industrial dispute exists between the management of Korba Aluminium Project, Bharat Aluminium Company Limited, Korba (Madhya Pradesh) and their workmen represented by Bharat Aluminium Mazdoor Sangh, Korba, Balco Mazdoor Congress, Korba and Sanyukta Khadan Mazdoor Sangh;

And whereas the said company and the Unions have, by a written agreement in pursuance of the provisions of sub-section (1) of section 10-A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now therefore in pursuance of the provisions of sub-section (3) of section 10-A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement which was received by it on the 8th August, 1973.

**"FORM C  
Agreement**

(Under Section 10-A of the Industrial Dispute Act, 1947)

**BETWEEN**

**Names of Parties**

**Representing employers :** Dr. T.B. Singh,  
General Manager,  
Korba Aluminium Project,  
Bharat Aluminium Company  
Limited,  
KORBA (MP).

**Representing workmen :** Bharat Aluminium Mazdoor  
Sangh :  
Shri Ram Bilash Shobhnath,  
General Secretary.  
Balco Mazdoor Congress :  
Shri R. V. Kurup,  
Secretary.  
Sanyukta Khadan Mazdoor  
Sangh :  
Shri Ajit Singh Varma,  
President.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of the Presiding Officer, Industrial Tribunal, M.P., Indore.

- (i) Specific matters in dispute : Whether withdrawal of Project Allowance in part or full with effect from 1-4-1973 is justified and proper? If not, to what relief workmen are entitled to ?
- (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved : Korba Aluminium Project, including its Mining Establishments, Bharat Aluminium Company Ltd., KORBA, MP.  
Bharat Aluminium Mazdoor Sangh, Korba.  
Balco Mazdoor Congress, Korba.  
Sanyukta Khadan Mazdoor Sangh.
- (iii) Name of the Unions, if any, representing the workmen in question : Bharat Aluminium Mazdoor Sangh, Korba.  
Balco Mazdoor Congress, Korba.  
Sanyukta Khadan Mazdoor Sangh.
- (iv) Total number of workmen employed in the undertaking affected : About 1800
- (v) Estimated number of workmen affected or likely to be affected by the dispute : 1,000

We further agree that the decision of the arbitrator shall be binding on us.

**Witnesses:**

- (1) A. K. SHUKLA,  
Sr. Draftsman,  
Balco, Korba.

- (2) M. R. KURREY,  
Sr. Administrative Officer,  
Bharat Aluminium Co.  
Ltd.,  
KORBA

**Signature of the Parties :**

**Representing Workmen :**

- (1) RAM BILASH SHOBH-NATH,  
General Secretary.

- Bharat Aluminium Mazdoor Sangh.

- (2) R. V. KURUP,  
Secretary,  
Balco Mazdoor Congress.

(3) AJIT SINGH VARMA,  
President,  
Sanyukta Khadan Mazdoor  
Sangh

REPRESENTING EMPLOYER

T. B. SINGH, J  
General Manager,  
Korba Aluminium Project,  
Balco, Korba"

[No. L-29013/1/73-L R Iv]

S. S. SAHASRANAMAN, Under Secy.

नई दिल्ली, दिनांक, 23 अगस्त, 1973

का० प्रा० 2501.—न्यूनतम मजदूरी अधिनियम, 1948 (1948 का 11) की धारा 9 के साथ पठित धारा 7 और न्यूनतम मजदूरी (केन्द्रीय) नियम, 1950 के नियम 4 के उपनियम (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 250, तारीख 19 जनवरी, 1973 में निम्नलिखित संशोधन करती है अर्थात्—

उक्त अधिसूचना में, "नियोजकों के प्रतिनिधि" से संबंधित मद II में, प्रविष्टि 2 के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्—

"2—श्री एम० पी० सिंघल,

संयुक्त निदेशक, सिविल इंजीनियरी,

रेल मंत्रालय (रेल बोर्ड),

नई दिल्ली।"

[स० एस-32023(1)/73-उन्त्यु०ई० (एम डब्ल्यू)]

हंस राज छाबड़ा, उप सचिव

New Delhi, the 23rd August, 1973

**S.O. 2501.**—In exercise of the powers conferred by section 7, read with section 9 of the Minimum Wages Act, 1948 (11 of 1948), and sub rule (3) of rule 4 of the Minimum Wages (Central) Rules, 1950 the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 250 dated the 19th January, 1973, namely:—

In the said notification, in item II, relating to the "Representatives of Employers", for entry 2, the following entry shall be substituted, namely:—

"2. Shri M. P. Singhal, Joint Director, Civil Engineering, Ministry of Railways (Railway Board). New Delhi."

[No. S-32023(1)/73-WE(MW)]

HANS RAJ CHHABRA,  
Deputy Secy.

नई दिल्ली, 16 अगस्त, 1973

का० प्रा० 2502 —खान अधिनियम, 1952 (1952 का 35) की धारा 27 के अनुसरण में केन्द्रीय सरकार एतद्वारा उस धारा के अन्तर्गत भारत सरकार के श्रम और पुनर्वास मंत्रालय की अधिसूचना सं० एन० 11015/1/73-एम आई तारीख 24 मार्च, 1973 द्वारा नूनोडीह, जीतपुर कोयला खान (बिहार राज्य में धनबाद जिला) में 18 मार्च, 1973 को हुई दुर्घटना से संबंधित परिस्थितियों और कारणों को जांच करने के लिए नियुक्त जांच न्यायालय की उसकी प्रस्तुत की गई रिपोर्ट प्रकाशित करती है।—

नूनोडीह, जीतपुर कोयला खान में 18 मार्च, 1973 को हुए विस्फोटन से संबंधित परिस्थितियों और कारणों की रिपोर्ट।

1. प्राक्कथन

1.1 भारत सरकार ने, भारत के अनाधारण राजपत्र में प्रकाशित, अपनी अधिसूचना दिनांक 24 मार्च, 1973 में नूनोडीह जीतपुर कोयलरी (बिहार राज्य, जिला धनबाद) के 18 मार्च, 1973 को हुई दुर्घटना के कारणों और परिस्थितियों की औपचारिक जांच करने के लिए मुझे नियुक्त किया। जांच करने में निम्नलिखित व्यक्तियों को असेसरो के रूप में कार्य करने के लिए नियुक्त किया गया था :—

1. श्री कान्ति मेहता

महा सचिव,

भारतीय राष्ट्रीय खान-श्रमिक संघ,

कलकत्ता,

2. श्री सलित बर्मन,

सचिव,

भारतीय खान श्रमिक संघ,

धनबाद,

3. प्रो० जी०बी० मिश्रा,

भारतीय प्रौद्योगिकी संस्थान, खड़गपुर, और

4. श्री एम०बी० तवाड़े,

मुख्य इंजीनियर (विद्युत और यांत्रिक)

राष्ट्रीय कोयला विकास निगम लि०, रांची

1.2 1 27 मार्च, 1973 को मैंने श्री कान्ति मेहता, श्री ललित बर्मन और श्री एम०बी० तवाड़े, असेसरो के साथ खान का निरीक्षण किया। प्रो० जी०बी० मिश्रा इस तारीख को उपस्थित नहीं हो सके। लेकिन उन्होंने बाद को, तीन दिन अर्थात् 30 वी और 31 वी मार्च तथा पहली अप्रैल, को श्री तवाड़े, असेसर के साथ खान का निरीक्षण किया। श्री सलित बर्मन, असेसर भी इन दिनों में से एक दिन दल के साथ रहे। असेसरों में से एक असेसर श्री तवाड़े ने दीर्घकालीन अवधि तक और विस्तृत निरीक्षण किये। असेसरों द्वारा किये गये इन निरीक्षणों के परिणाम-स्वरूप उन्होंने केन्द्रीय खान अनुसंधान केन्द्र धनबाद से कुछ जांच-पड़तालें करने के लिए प्रार्थना करने का निश्चय किया। केन्द्रीय खान अनुसंधान केन्द्र धनबाद के डा० ए०के० शोष, द्वारा डा० टी०एस० बाजपेयी तथा श्री एम० रामानाथन ने ये जांच पड़तालें की।

1 2 2 मरताईस मार्च, 1973 को, धनबाद छोड़ने से पहले मैंने उपस्थित असेसरों के परामर्श से केन्द्रीय कोयला खान बचाव केन्द्र समिति, धनसार के अध्यक्ष के इस प्रस्ताव को स्वीकार करने का निर्णय किया। जांच करने के लिए उनके कार्यालय का इस्तेमाल कर लिया जाय, और मैंने निदेश दिया कि जांच समिति का एक कार्यालय इस भवन में तुरन्त प्रारम्भ किया जाना चाहिए। यह भी निश्चय किया गया कि संबंधित पक्षों से यह कहने के लिए कि वे अपने लिखित बयान उसे 10 अप्रैल, 1973 के बीच बाखिल कर ले स्थानीय अखबारों तथा कलकत्ता व पटना के महत्वपूर्ण अखबारों में नोटिस निकाले जाने चाहिए और यह कि प्रमुख रूप से ऐसा एक नोटिस कोयलरी कार्यालय जीतपुर में लगा दिया जाना चाहिए। इस प्रकार तैयार किये गए नोटिस में पक्षकारों को यह भी सूचित किया गया कि जांच न्यायालय की पेशिया, केन्द्रीय कोयला खान बचाव केन्द्र समिति, धनसार के अध्यक्ष के कार्यालय में रविवार 16 अप्रैल, 1973 के अपराह्न से प्रारम्भ होगी और यह कि गवाहों को जांच पड़ताल दूसरे दिन से शुरू होगी। पक्षकारों से 16 अप्रैल, 1973 को 3 00 बजे अपराह्न में न्यायालय में उपस्थित होने और 17 अप्रैल, 1973 की सुबह से अपने-अपने गवाहों के साथ जान पड़ताल के लिए तैयार रहने की प्रार्थना की गई।

1.2.3 श्री एम०बी० तवाड़े असेसर ने रूपा करके यह स्वीकार किया कि वे कार्यालय व्यवस्थाओं की देखरेख करेंगे और यह सुनिश्चित करेंगे कि नोटिस हिदायत के अनुसार, प्रश्नकारों में विधिवत रूप से सन्निविष्ट हों और साथ ही कोलियरी कार्यालय में भी लगाया जाय।

1.2.4 इस नोटिस के प्रत्युत्तर में खान सुरक्षा महानिदेशालय ने अपनी जांच की रिपोर्ट उनके द्वारा परीक्षित गवाहों के बयानों की प्रतियों के साथ दाखिल की। ये लिखित बयान भी दाखिल किए गए :-

- (1) नूनोडिह जीतपुर कोलियरी के प्रबन्ध-तंत्र की ओर से;
- (2) भारतीय राष्ट्रीय खान-श्रमिक संघ तथा कोलियरी मजदूर सभा (इण्टक) की ओर से,
- (3) भारतीय खान श्रमिक संघ और संयुक्त कोयला श्रमिक यूनियन (एटक) की ओर से,
- (4) भारतीय राष्ट्रीय खान ओवरमैन, मिरदार तथा शौटफायरर एसोसिएशन (इन्मोसा) की ओर से,
- (5) श्री भार० के० चौधरी द्वारा, जो दुर्घटना के दिन प्रबन्धक का कार्य कर रहे थे और जिन्हें प्रबन्ध-तंत्र द्वारा सुभलत किया गया है।

एक बयान दिनांक 9 अप्रैल, 1973 जिसे भारत की कोलियरी मजदूर सभा (सिटु) ने दाखिल किया, डाक द्वारा 17 अप्रैल, 1973 को प्राप्त हुआ।

1.3.1 न्यायालय ने सोमवार 16 अप्रैल, 1973 को 3.00 बजे अपराह्न से खुले आम अपनी सुनवाई शुरू की। न्यायालय की पहली बैठक में, यह निर्णय लिया गया कि खान सुरक्षा महानिदेशालय (डी०जी० एम० एम०), भारतीय लोह तथा इस्पात क० लि० (आई० एस० क०) प्रबन्ध तंत्र, भारतीय राष्ट्रीय खान श्रमिक संघ, भारतीय खान श्रमिक संघ, भारतीय राष्ट्रीय खान ओवरमैन, मिरदार और शौटफायरर एसोसिएशन (इन्मोसा) तथा श्री भार०के० चौधरी के जांच के पक्षकारों के रूप में माना जाएगा और उन्हें उस रूप में गवाहों की पूछ-ताछ और अन्य रूप से कार्यवाहियों में भाग लेने के लिए सुविधाएं दी जाएंगी।

1.3.2 भारत की कोलियरी मजदूर सभा (सिटु) की ओर से कोई उपस्थित नहीं हुआ।

1.3.3 श्री प्रितिश चन्दा ने संयुक्त ट्रेड यूनियन कांग्रेस की ओर से एक अर्जी दाखिल की, जिसमें उन्होंने एक लिखित बयान दाखिल करने की न्यायालय से इजाजत मांगी, यद्यपि निश्चित तारीख के अन्दर ऐसा करने में असफल रहे थे। श्री चन्दा ने यह प्रार्थना इस आधार पर की कि अपरिहार्य कारणों में उनकी यूनियन अपना बयान 10 अप्रैल, 1973 तक जैसा कि नोटिस में निर्धारित था, दाखिल नहीं कर सकी। यह निर्णय किया गया कि चूंकि पक्षकार नियत तिथि तक लिखित बयान दाखिल करने में असफल रहा है और यहां तक कि निर्धारित अवधि के अन्दर भी वह और समय मांगने में असफल रहा है, अतएव अब उसे एक लिखित बयान दाखिल करने की अनुमति नहीं दी जा सकती विशेषकर इसलिए कि मूल के लिए कोई औचित्यपूर्ण कारण पेश नहीं किया गया है। तबनुसार अर्जी खारिज कर दी गई।

1.4.1 उसके पश्चात् निर्णय संबंधी विषयों पर विचार किया गया और सभी विचाराधीन विषयों को समाविष्ट करते हुए नौ प्रश्नों की एक प्रश्नावली का ग्राह्य तैयार किया गया। यह प्रश्नावली पक्षकारों में परिचालित की गई और न्यायालय की दूसरी बैठक के लिए उनके विचार मांगे गये।

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1.4.2 चूंकि ग्राह्य प्रश्नावली के सम्बन्ध में कोई एतराज 17 अप्रैल, 1973 तक प्राप्त नहीं हुआ, अतएव यह मान लिया गया कि यह सभी पक्षों की स्वीकार्य है। प्रश्नावली की एक प्रति परिशिष्ट एक में दी गई है।

1.4.3 भारतीय खान श्रमिक संघ की ओर से श्री कल्याण राय ने कहा कि न्यायालय को खानों में सुरक्षा के सामान्य मानकों और सामान्य ढंग की अन्य समस्याओं पर ध्यान देना चाहिए ताकि यह सुनिश्चित हो जाए की इस प्रकार की दुर्घटनायें भविष्य में न होने पावें। उन्हें यह सूचित किया गया कि यदि उनके पास परिचालित की गई ग्राह्य प्रश्नावली में कोई विशिष्ट प्रश्न जोड़ने के लिए हैं तो वे कृपया उन्हें तैयार करें और अतिरिक्त प्रश्नों को लिखकर न्यायालय में प्रस्तुत करें। श्री राय ने ऐसा करना स्वीकार किया और 18 अप्रैल, 1973 को उन्होंने कतिपय अतिरिक्त प्रश्न विचारार्थ प्रस्तुत किये। मैंने इन प्रश्नों पर विचार किया और मैंने यह बताया कि न्यायालय जीतपुर कोलियरी में हुई दुर्घटना के कारणों व परिस्थितियों की जांच करने के लिए खान अधिनियम, 1952 की धारा 24 के अन्तर्गत नियुक्त किया गया है। जबकि जांच न्यायालय के विचारार्थ विषयों का बढ़ाई से अर्थ लगाने की आवश्यकता नहीं है, यह न्यायालय केवल ऐसे मामले की जांच कर सकेगा जिनका इस दुर्घटना से सम्बन्ध है। श्री राय द्वारा बनाये गए प्रश्नों का जहाँ तक इस दुर्घटना से संबंध है, उन्हें अवश्य ही ध्यान में रखा जाना चाहिए। पक्षकारों के लिए हम बात की छूट होगी यदि वे चाहें तो वे गवाहों के लिए अपने प्रश्न तैयार करें और अपने तर्कों इन अतिरिक्त प्रश्नों पर आधारित करें बशर्ते की उन प्रश्नों की जांच की जाने वाली दुर्घटना से कुछ सम्बन्ध हो।

1.5.1 न्यायालय की एक-एक बैठक प्रत्येक निम्नलिखित तारीखों को अर्थात् 17वीं, 18वीं और 20वीं अप्रैल 1973 को हुई। उसीस अप्रैल को न्यायालय की दो बैठकें हुई। इन पांच बैठकों में, पक्षकारों द्वारा पेश किये गये सभी गवाहों (देखिए परिशिष्ट-2) से पूछ-ताछ की गई। इसके अतिरिक्त, निम्न व्यक्तियों से न्यायालय के गवाहों के रूप में पूछ-ताछ की गई :-

1. डा० ए० के० घोष
2. डा० टी० एस० नाजपाई और
3. श्री एस० रामानाथन,  
एक वैज्ञानिक, केन्द्रीय खनन अनुसंधान केन्द्र, धनबाद और
4. श्री एस० एन० कुण्डु सहायक इंजीनियर, आई०आई०एस० क०  
तथा
5. श्री भी०पी० ओहरी, सहायक प्रबन्धक, आई०आई०एस० क०।

1.5.2 गवाहों की जांच का कार्य 20 अप्रैल, 1973 को समाप्त हुआ जब बहुत प्रारंभ की गई। बहुत 21 अप्रैल, (1973) तक जारी रही। सभी पक्षकारों को अपने-अपने मामलों की दलील देने की अनुमति दी गई और सभी पक्षकारों को, बाद को अपने मामलों की दलील देने वाले पक्षकार द्वारा उठाए गए नये प्रश्न का उत्तर देने की अनुमति दी गई।

1.5.3 21 अप्रैल, को दलीलों की समाप्ति के साथ न्यायालय की खुले आम बैठकों की समाप्ति की घोषणा की गई।

## II कोयला खान का विवरण

### 2.1. सामान्य

नूनोडीह-जीतपुर कोयला खान, झरिया कोयला क्षेत्र के दक्षिणी किनारे के भगीप, दामोदर नदी के निकट स्थित है और यह धनबाद के सड़क के रास्ते लगभग 15 कि० मी० है।

## 2.2. मौलिकीय सञ्चय

2.2.1 इस सम्पत्ति में बायोडर क्रम की बाराकर तल के सीमों की पूर्ण श्रृंखला सम्मिलित है जैसी कि सामान्यतः प्रारिया कोयला क्षेत्रों में सीम 18 से नीचे की ओर भायी जाती है। सीम 18 पटेदारी के क्षेत्र के बीच में फूट निकलती है और अन्य सीमें 17 सीम से नीचे विभिन्न गहराइयों में हैं।

निम्न तालिका अनुभागीय व्योरे दर्शाती है —

क्रमांक	सीम की संख्या	मोटाई (मीटरों में)	विभाजन (मीटरों में)
1	18	3	--
	--	--	57
2	17	2.4 से 3	--
	--	--	95
3	16 ए०	2.4	--
	--	--	32
4	16	4.5	--
	--	--	67
5	15 ए०	1.5	--
	--	--	98
6	14	19	--
	--	--	75
7	12	7.8	--

2.2.2 इस क्षेत्र में सीमों की ढाल 6.5 में 1 से 7 से 1 है, मुकाबल दक्षिण की ओर 60° पश्चिम है।

## 2.3 सतह

2.3.1 18 और 17 सीमें छोड़ें और पिल्लार पद्धति द्वारा बहुत पहले पूर्णतः विकसित की गई थी। उन्ने तल के लक्षणों से मुक्त सभी क्षेत्रों में स्तम्भ से विमुक्त कर दिया गया है।

2.3.2 इस समय, 16 ए०, 16 और 14 सीमों को चलाया जा रहा है। 16 ए० सीम को, जोकि 2.4 मीटर मोटी है, स्तम्भों में पूर्णतः विकसित किया गया है। अधिक भाग को पहले ही स्तम्भों से मुक्त किया गया है। इस समय एक पेनल से स्टोइंग के योग से लम्बी दीवार के स्तम्भ निकालने का कार्य प्रगति पर है और दूसरे में, स्टोइंग के साथ परम्परागत स्तम्भ हटाने का कार्य चल रहा है।

2.3.3 16 ए० सीम का सामान्य उत्पादन 300 टन प्रतिदिन है।

2.3.4 सीम 16, 4 से 4.5 मीटर मोटी है और उसे पिल्लरों से भी विकसित किया गया है। लगभग आधे क्षेत्र में को पहले ही स्तम्भों से मुक्त किया गया है। इस समय दो पेनलों में स्टोइंग के योग से स्तम्भ निकाले जा रहे हैं, एक परम्परागत पद्धति से और दूसरा लम्बी दीवार की पद्धति से।

2.3.5 इस सीम से सामान्य दैनिक उत्पादन 500 टन है।

2.3.6 16 ए० और 16 सीमें II डिग्री गैसीनेस की है।

2.3.7 14 सीम के कार्यकरण को इस रिपोर्ट के बाद के एक भाग में वर्णित किया गया है। यह सीम III डिग्री गैसीनेस की है।

2.3.8 14 सीम से सामान्य दैनिक उत्पादन 750 टन का है।

2.3.9 14, 16 और 16 ए० सीमों से काम येने के लिए चार जैफेटे बिद्यमान हैं। जे० 1, जे० 3 जैफेटे नीचे 14 सीम में क्रमशः 445 मीटर और 443 मीटर पर जाती है। अन्य दो जैफेटे, अर्थात्

जे० 2 और नूनोडिह जैफेटे 16 और 16 ए०, सीमों में क्रमशः 275 मीटर, 244 मीटर, और 179 और 145 मीटर की गहरायी पर जाती है। 16 और 16 ए० सीमों एक अनुसूच्य से भी जुड़ी हुई हैं।

2.3.10 जे० 1 और नूनोडिह जैफेटे धातुरन्ध हैं और जे० 3 और जे० 2 हवा के बाहर निकालने के रास्ते हैं। जे० 1, जे० 2 और जे० 3 जैफेटों का इन्तरेमाल क्रमशः 14, 16 और 16 ए० सीमों में कोयला वार्डिन्ड कारीगरों और माभयी के लिए किया जाता है।

2.3.11 खान से तीन पारिश्रों के आधार पर काम लिया जाता है। पहली पारी 8.00 घंटों से 16.00 घंटों तक, दूसरी पारी 16.00 घंटों से अर्ध रात्रि के 0.00 घंटों तक और तीसरी पारी 0.00 घंटों से 8.00 घंटों तक होती है।

## 2.4. प्रबंध

2.4.1 कोयला खान को नवम्बर, 1917 में चलाया गया था। मूल रूप में खान मैमर्स बंगाल प्रायद्वीप कं० लि० द्वारा चलाया गया। तत्पश्चात् इसका उत्तरदायित्व मैमर्स इंडियन प्रायद्वीप एंड स्टील कं० लि० ने, जोकि मैमर्स बंगाल प्रायद्वीप कं० लि० के इन इन्टरेस्ट उत्तराधिकारी है, ले लिया।

2.4.2 मैमर्स इंडियन प्रायद्वीप एंड स्टील कम्पनी लि० का प्रबन्ध 14-8-1972 को केन्द्रीय सरकार ने अपने हाथ में लिया था और तब से इस खान की, इंडियन प्रायद्वीप एंड स्टील कं० लि० के एक भाग के रूप में देख भाल इस्पात और खनन मंत्रालय द्वारा एक कस्टोडियन के माध्यम से की जा रही है।

2.4.3 इस कोयला खान से संबंधित वरिष्ठ अधिकारियों के नाम ये हैं —

मुख्य खनन इंजीनियर	श्री बी० एल० वर्मा
उप मुख्य खनन इंजीनियर	
(कार्य) और एजेंट	श्री के० आर० घादवाल
उप मुख्य खनन इंजीनियर	श्री जे० एन० ओहरी
(आयोजना)	
वरिष्ठ प्रबन्धक	श्री के० एल० लहरा
वरिष्ठ इंजीनियर	श्री टी० सी० लाहरी
कोलियरी इंजीनियर	श्री के० एन० मिह

2.4.4 कोलियरी स्तर में बहुत से सहायक प्रबंधक, एक सवाहन अधिकारी, एक सुरक्षा अधिकारी, एक प्रशिक्षण अधिकारी-साहायक इंजीनियर और अन्य अधीनस्थ पर्यवेक्षी कर्मचारी वर्ग वरिष्ठ प्रबन्धक की सहायता करते हैं।

## 2.5. रोजगार एवं उत्पादन

2.5.1 इस समय, इस कोयला खान में प्रतिदिन 2,750 व्यक्ति, काम करते हैं जिनमें से 158 व्यक्ति 14 सीम में काम करने वाले 950 व्यक्तियों सहित, भूमि के अन्दर काम करते हैं।

2.5.2 वर्ष 1972 के दौरान कुल उत्पादन 3,93,427 टन था।

## 2.6. संवातन

2.6.1 खान को बिजली से चलने वाले दो पम्पों द्वारा यांत्रिक रूप से सवातित किया जाता है। एक पम्पा जे० 3 जैफेट में लगाया हुआ है, जिसकी क्षमता 6,750 एम० 31 मिन की है जो 45 एम० एम० के जल गोज को विकसित करता है। इस पम्पे के परिवर्ती ढाल वाले ब्लेड हैं जिनमें ब्लेडों के कोणों को  $-6^\circ$  से  $+10^\circ$  तक परिवर्तित किया जा सकता है। इस समय ब्लेड  $+4^\circ$  के कोण पर लगाए गये हैं।

2.6.2 जे० 2 शीफ्ट में स्थापित पक्का एक दोहरे इन्लेट सीरोस्को सेन्ट्रीफ्यूगल पम्पा है जिगकी क्षमता 2,860 एम० 31 मिन पर 21 एम० एम० जब गज की है। यह पम्पा केवल 16 सीम के कार्य-स्थलों को संचालित करता है।

2.6.3 जे० 1 शीफ्ट 16 और 14 सीमों के डाऊन वास्ट के रूप में कार्य करता है और नूनाष्टि जे० 16 ए० सीम के लिए डाऊन कास्ट है। जे० 3 शीफ्ट 11 और 16 ए० सीमों के अपकास्ट है और जे० 2 शीफ्ट 16 सीम के लिए।

2.6.4 नक्शा सं० 1 (इन्सेट) सामान्य रूप में कोयला खान में संचालन की व्यवस्थाएँ दर्शाता है।

2.6.5 जे० 3 में स्थापित पक्का, जिगकी क्षमता 6,570 एम० 31 मिन की है, जैसा कि पहले कहा गया है, 16 ए० और 14 सीमों को संचालित करता है। लगभग 3400 एम० 1 मिन सीम 11 में संचालित किया जाता है और बाकी सीम 16 ए० सीम में।

2.6.6 यह व्यवस्था की गई है कि जे० 3 शीफ्ट में पम्पा के एकले की स्थिति में, 14 सीम के कार्य स्थल से सीम 16 ए० जे० 2 शीफ्ट स्तर में दो पम्पा करने वाले दरवाजों के अपने आप खुलने से जे० 2 शीफ्ट का पक्का आगिक संचालन की व्यवस्था करता है। तथापि, इस व्यवस्था की कोई सूचना न तो डॉ० जी० एम० ए० एम० को दी गई है और न ही उसके लिए उनकी स्वीकृति ली गई है।

### III सीम 14 के कार्यकरण

3.1.1 सीम 14, 1970 वर्ष में खोली गई थी। इस सीम के लिए विकास की योजना को जीतपुर कोलिपरी के पुनर्गठन की पूर्ण परियोजना रिपोर्ट के भाग के रूप में तैयार किया गया था। सीम तक जे० 1 और जे० 3 शीफ्टों को लगभग 14.1 मीटर की गहराई तक गहरा करके पहुंचा गया है इसे हाइड्रालिक सैड स्टोइंग के साथ लम्बी दीवार की पद्धति द्वारा निकालने के काम हेतु विकसित किया गया है। विकास की प्रयोजनों के लिए, शीपों के सेटों, जो कि 25-30 एम० केन्ट्री के अन्तर पर रखे जाते हैं, को चलाया जाता है। शीपों से सामान्यतः कोयला काटने वाली मशीनों द्वारा काम लिया जाता है। कुछ अवधि के लिए, एक यूनीकॉर्न हैडिंग मशीन का एल० 2 ब्लाक के विभाग के लिए प्रदान किया गया था। इस मशीन को कुछ महीने पहले हटा लिया गया था। प्रारंभिक विकास सामान्यतः फस के साथ-साथ 2.4 मीटर की ऊंचाई तक है, पर जहां आवश्यक होता है, संचालन या परिवहन के प्रयोजनों के लिए, मैक्विरीको को छन या मध्य क्षितिज तक ले जाया गया है।

3.1.2 नक्शा सं० 1, 14 सीम के कार्यकरण का दर्शाता है। एल० 1 और एल० 2 की लम्बी दीवार वाले ब्लॉक पूर्णतः विकसित किए गए हैं हाइड्रालिक सैड स्टोइंग की गहराई से लगभग 2.4 मीटर की मोटाई के टुकड़े आसपास करने के लिए लम्बी दीवार निकालने की योजना बनाई गई है। एल० 1 पेतल में, एकान्त स्थान पर फस के साथ-साथ प्रथम टुकड़ा पहले ही निचाला जा चुका है और उसे खन-खन भर दिया गया है। इस टुकड़े में एक मीटर लम्बा टिप गज लम्बी दीवार फेम में काम लिया गया था। परिभ्रमणशील लोमच्छेदी बेलन मशीन द्वारा, जोकि एक कवचिन फलक घाटन पर चलती है और जो 685 एम एम की एक जाड़ पट्टी काटती है, कोयला प्राप्त किया जाता था।

3.1.3 पहली शिफ्ट के ऊपर कोयला निकालने का काम दो पम्पा टुकड़ा में आरम्भ किया गया है जिनके स्टोइंग अर्ध गज की साथ ही साथ काम लिया गया है। मध्य टुकड़े की मोटाई 2.1 एम० है और चांदी की टुकड़े की 2.7 एम० है। दो खडों के बीच अन्तर 12 मी० है।

3.1.4 इन दो टुकड़ों में, एक केन्द्रीय गेट के दोनो ओर आघात के साथ साथ दोहरे एकक फलकों में, काम लिया जाता है। मध्य में लिफ्ट के फलकों को एम 1 और एम 2 निदिष्ट किया जाता है तथा चांदी की लिफ्ट घाटों को टी० 1 और टी० 2 ये मुख्य पहली लिफ्ट के निष्कर्षण में व्यवस्थापन भरे गये बालू में 1 मीटर ऊपर खोले गए हैं, और इनमें केन्द्रीय गेट की ओर 200 में 1 की क्लान की मात्रा है ये यंत्रों की ओर ऊपर उठने है।

3.1.5 इस समय इन फलकों से औसतन लगभग 200 व्यक्ति प्रति घंटे के नियोजन में लगभग 250 टन कोयला प्रतिदिन प्राप्त होता है।

3.1.6 मध्य खड की अवस्था वर्धन प्रॉन और निक बरों से प्राप्त होता है। चांदी के खड में लकड़ी के अवलम्बों और लकड़ी की आसबारों की व्यवस्था की गई है। 25x30 एम० माप के समकोरात्रिय पित्तन में एक त्रिघोणीय खड विकसित किया गया है और गैलरियों को फर्श के साथ-साथ चढ़ाव की ओर 24 एम की ऊंचाई तक ले जाया गया है। निकालने का काम स्टोइंग के साथ ओई एव पिल्लर पद्धति से किया जाता है।

3.1.7 पूर्वी पार्श्व पर एल० 2 पेतल में हाइड्रालिक स्टोइंग के साथ 180 एम लम्बे डिप राईज के लम्बे दोवार के फलक के साथ साथ फर्श का टुकड़ा निकाला जा रहा है। लम्बी दीवार के फेम को घर्षण प्रॉन और निक बरों से व्यवस्था मिलाता है। कोयले के फेम और बालू के पेट में अधिकतम विस्तार लगभग 6 एम है। लम्बी दीवार में फेम में कोयला, परिभ्रमणशील लोमच्छेदी बेलन मशीन द्वारा जोकि कवचित बहन पर रखी गई है, प्राप्त होता है।

3.1.8 इस लोगवान फेम में प्रति घंटे लगभग 200 व्यक्तियों को नियोजित करने से लगभग 310 टन कोयले का उत्पादन होता है।

3.1.9 एक डाइक है जो कि 14 सीम के कार्य-स्थलों के पूर्वी किनारे पर लगभग उत्तर-दक्षिण की ओर जाता है (नक्शा सं० 1 देखें) डाइक तक 7 फेम बड़े हुए हैं। डाइक के फेसों पर कम्प्रेसर एयर हैमर ड्रिलों से सुराख किए जाते हैं और उन्हें सीलिंगेबम (पी 5) विस्फोटकों से विस्फोटित किया जाता है।

3.1.10 स्टोइंग से नालियों के गंदे पानी को एकत्र करने और इसे मुख्य हौदी की ओर ले जाने के लिए पर्याप्त प्रबन्ध किए गए हैं।

3.1.11 14 सीम के लिए ट्रेकहीन खनन आयोजित किया गया है और कोयले का परिवहन कन्वेयरों की श्रृंखला द्वारा जे० 1 शीफ्ट के निकट व्यवस्थित एक 300 टन के भूमिगत कोयला बंकर में किया जाता है, जो रिकॉपिंग वाइडिंग से सज्जित है। इन्चार्ड डिस्ट्रिक्टों में सामग्री की पूर्ति जीजल माइन ट्रेक्टरों और ट्रेलरों द्वारा की जाती है।

### 3.2. 14 सीम के कार्यस्थलों का संचालन

3.2.1 14 सीम के लिए संचालन का खाका, नक्शा सं० 1 में दर्शाया गया है।

3.2.2 खान सुरक्षा महाविशालय द्वारा 28-2-1973 को लिए गए मापों के अनुसार, 14 सीम की मुख्य रिटर्न में हवा की कुल मात्रा 3,400 एम० 3 मिन थी। इसमें से, लगभग एक तिहाई एम० 2 फेम से वह गई।

सीम 14 के लिए मुख्य संचालन पम्पा, जो जे० 3 शीफ्ट में स्थापित किया गया है, का सक्षिप्त विवरण निम्न प्रकार है :-

2670-एम० एम० डिग्रा निरोधको निकास, एम० एम० बार्ड० एल० सीरीज, समंजनीय पम्पा, प्रक्षणीय यंत्रण, की बेल्ट ड्राइव के लिए व्यवस्थित, मैमर्स एन्क्रू यूरा एड क० लि० द्वारा दिया हुआ।

विस्तार 70-8 एम० एम०बी० जी० पर 4,300 से 7,000 एम० 3 । मिम ।

मोटर—270 एच० पी०, फीन शीफ्ट आर०पी०एम०—318

### 3.2.3. सहायक पंखे

विकास शीशों और—कुछ डिप्लिरिंग फेसो तक हवा पहुँचाने के लिए, 10 सहायक पंखे जो नक्शा स० 1 में 1 से 10 तक चिह्नित किए गए हैं, 14 सीम के कार्य-स्थलों में लगाए जाते हैं। पंखा स० 6 एक डिप्लिरिंग क्षेत्र को संवातित करता है जबकि बाकी के पंखे विकास गैलरियों को संवातित करते हैं। दुर्घटना के समय पंखा स० 1 का इस्तेमाल नहीं किया जा रहा था।

3.2.4 सहायक पंखे लगाने के लिए खान सुरक्षा महा-निदेशक से स्वीकृति ली गई थी।

3.2.5 तीन विभिन्न प्रकार के सहायक पंखों के सक्षिप्त विवरण नीचे दिए जाते हैं —

क्रमिक	मार्का	शक्ति	घाम्पस	आर० पी० एम०	समता
	बुक्स ग्राफ	23 एच० पी०	23	2950	प्रति मिनट 428 घन मीटर
	केलबेस्टर टाईप के० ए० आर०				
2	एम०ए०एम०सी० टाईप ए० बी० 3	12.5 के० डब्ल्यू	14 से 16.5	2910	प्रति मिनट 180 से 370 घन मीटर
3	एम०एम०एम० पी०	15 के० डब्ल्यू	14.8	2900	प्रति मिनट 7285 मीटर

टिप्पणियाँ—इस प्रकार के केवल एक पंखे का इस्तेमाल किया जा रहा था।

### 3.3. गैस निर्गमन

3.3.1 जैसा कि पहले कहा गया है, 14 सीम वर्ष 1970 में खोली गई थी। भारत, शेफ्ट के निकट विकास कार्य-स्थलों में गैस का अधिक मात्रा में बनना नहीं दिखाई पड़ा और सीम को II डिग्री गैसीयता वाली माना गया, अर्थात्—जैसे कि 16 और 16 ए० सीमे / कभी-कभी मेथानोमीटरो द्वारा छत के छिद्रों में दो प्रतिशत तक की गैस इगित की गई थी, और विकास फेसो में हवा के सामान्य रूप में 0.2 प्रतिशत तक।

3.3.2 तत्पश्चात्, सीम 14 के कार्य-स्थलों में गैस निकलने की दर बढ़ी थी। जून, 1972 के अन्त में खान सुरक्षा महा निदेशालय द्वारा किए गए एक विस्तृत सर्वेक्षण ने सम्पूर्ण 14 सीम के लिए दैनिक कोयला उत्पादन की प्रति टन 13.45 एम 3 की समग्र गैस की निकास की दर दर्शायी है। इसका अर्थ होता है कि मेथेन गैस की निकास की दर लगभग 6 एम 3 मिन० है। उपरोक्त सर्वेक्षण के फलस्वरूप, खान सुरक्षा महानिदेशालय द्वारा, उसके पत्र संख्या 14534-सी० दिनांक 31-7-1972 के द्वारा, सीम 14 के कार्य-स्थलों को गैसीयता की तीसरी डिग्री में रखा गया।

3.3.3 डाक्टर के फेसो में पर्याप्त गैस बननी पाई गई है।

3.3.4 तथापि, प्रबन्ध द्वारा गैस निर्गमन के सम्बन्ध में रखे जाने वाले रिकार्ड दुर्घटना से पहले की अवधि के दौरान, दैनिक उत्पादन के एम 3/टी के लिए भी गैस निर्गमन की वस्तुतः निम्न दर दर्शाती हैं।

3.3.5 14 सीम में मेथेन निर्गमन की दर की जांच करने के लिए केन्द्रीय खनन अनुसंधान केन्द्र धनबाद ने इस न्यायालय के कहने पर 12 अप्रैल, 1973 के पाठ्यांक लिए, और 29 एम० 3, मिन० की मेथेन निर्गमन दर पायी। इस पाठ्यांक को दृष्टि में रखते हुए, जोकि फेस के बन्द होने के तीन सप्ताह से भी बाद में लिया गया। मेथेन निर्गमन की दर को दुर्घटना के दिन बुना माना जा सकता है। प्रो० जी०बी मिश्र, असेमर द्वारा 30-3-73 को एल० 2 फेस के ऊपरी छोर के भीके की जांच 5 प्रतिशत से अधिक मेथेन के जमाव को संकेतित किया है।

### 3.4. पत्थर-धूल अवरोधक

14 सीम के कार्य-स्थलों में पत्थर-धूल अवरोधकों की स्थिति सवातन नक्शे (नक्शा स० 1) में दर्शाई गई है। वर्ष 1972 के दौरान 14 सीम में इस्तेमाल की गई पत्थर धूल की कुल मात्रा 7075 बिटल थी जो उत्पादित प्रति टन कोयले की 4.5 कि० ग्राम आती है।

### 3.5 14 सीम में विद्युत सम्बन्धी उपकरण

3.5.1 14 सीम में जे० 3 शीफ्ट में लगाई गई एक शीफ्ट केबल के जरिए सतह के उप-स्टेशन से 3300 वी० की दर से बिजली सप्लाई की जाती है। 14 सीम में, 8 उप-स्टेशन हैं जिनमें एच०टी० स्विच-गियर लगे हैं। 200 के० वी० ए० 3300/550 वी० ट्रांसफार्मर के जिनमें एच०टी० स्विचगियर सूखे प्रकार के आग के अमर से मुक्त ट्रांसफार्मर और 550 वी० स्विचगियर लगे हैं।

3.5.2 14 सीम में लगे हुए विद्युत सम्बन्धी उपकरण अग्निरोधी निर्माण के हैं।

3.5.3 उच्च टेशन स्विचगियर में संस्थापित सुरक्षात्मक साधन निम्न प्रकार हैं —

(क) अधिक भार सुरक्षण

(ख) अर्थ लीकेज सुरक्षण

550 वी० में स्विचगियर में सम्मिलित किए गए सुरक्षात्मक साधन निम्न प्रकार हैं —

(क) अण्डर वोल्टेज सुरक्षण,

(ख) प्रतिभार सुरक्षण,

(ग) सर्कुट शॉर्ट-सर्कुट सुरक्षण,

(घ) कोर बेलेंस ट्रांसफार्मर से भूमि छुटि सुरक्षण-संबंधिता 3 ए० पर लगाई गई।

3.5.4 यह देखा गया कि विद्युत उपकरण के अधिष्ठापन का सामान्य मानक धोचिपूर्ण रूप से ऊँचे स्तर का है, यद्यपि कुछेक दशाओं में, जांच-पड़ताल से यह मालूम हुआ था कि जहाँ तक कुछेक केबल सीलिंग बक्सों का बिना केबल कम्पाउंडिंग के रखे जाने का प्रश्न है, पर्याप्त सावधानी नहीं बरती गई थी। इसके प्रतिरिक्त, कुछेक स्विचगियरों जिनकी जांच की गई, के संवध में यह पाया गया कि ओवरलोड सेटिंग्स को, ड्यूटी अवस्थाओं में अपेक्षित स्तरों से अधिक रखा गया था। कुछ दशाओं में, सभी टर्मिनल चटकनिया, जैसा कि उपबन्ध है, नहीं लगाई गई थी, जिससे उपकरण के फलैम-शूक फीचरों में एकाद्वे पैदा हो रही थी।



3.5.5 यहां इस तथ्य का हवाला भी दिया जाना चाहिए कि कर्मकारों को मरम्मत और अनुरक्षण के लिए सभी आवश्यक औजार दिए गए थे। यह दुर्घटना मे मरे इन्वेस्टिगेशनो के कार्य-स्थल से प्राप्त हुए एक विशेष औजार थेले से साबित हो गया है।

#### IV विस्फोटन

##### 4.1 विस्फोटन पैदा करने वाली परिस्थितियाँ

4.1.1 यह सूचित किया गया कि यह दुर्घटना रविवार, 18 मार्च, 1973 को 8 बजे शाम को हुई थी।

शनिवार, 17 मार्च 1973 को सभी तीनों सीमों में सामान्य उत्पादन कार्य लिया गया जो अर्ध रात्रि से प्रारम्भ होकर रविवार 18 मार्च, 1973 को 8 बजे सुबह तक चला।

4.1.2 रविवार 18 मार्च विश्राम का साप्ताहिक दिन था। सोमवार, 19 मार्च, 1973 भी 'हॉली' त्योहार के कारण छुट्टी का दिन था।

4.1.3 ऐसे कार्य जिन्हें कार्य-दिनों में नहीं किया जा सकता, साप्ताहिक विश्राम के दिनों करने के लिए रखा जाता है। इनमें भूमिगत उपकरण की भारी वस्तुओं की जाब तथा अनुरक्षा, कन्वैयर्स का विस्तरण, अवरोधों को भरकर ऊंचा करना, स्टोहिंग रेंजों का कार्य की देख-भाल, फेरा तथा सड़क-पथ अवलम्बों को पुनः सेट करना शामिल है।

4.1.4 यह भी रिवाज है कि जब विश्राम के साप्ताहिक दिन के पश्चात् कोई छुट्टी का दिन आता है तो कुछ बड़े-बड़े कार्य जिन्हें करने में एक दिन से अधिक समय लग जाता है, हाथ में लिए जाते हैं। ऐसे सभी बड़े-बड़े कार्यों को छुट्टी और त्योहारी छुट्टी के दिनों में हम दृष्टि से पूर्ण किया जाता है कि उत्पादनक मनुष्य-परियों का नुकसान न हो।

4.1.5 उपलब्ध साक्ष्य के आधार पर, मुझे यह मालूम हुआ है कि निम्नलिखित कार्य रविवार, 18 मार्च, 1973 को करने के लिए रखे गये थे :

- (क) सैड स्टोहिंग रेंज की मरम्मत।
- (ख) फेस अवलम्बों को पुनः सेट करना।
- (ग) एल 2 फेस में स्टोहिंग का कार्य करना।
- (घ) एल 2 पैनल के अधोभाग द्वार के निकट पोटेंबल कन्वैयर को ले जाना।
- (ङ) एल 2 फेस के साथ साइन में ऊपर की गैबरी को साफ करना।
- (च) डी 2 पैनल में कन्वैयर पर स्पू ड्राइव हेड का अधिष्ठापन और लघुकरण।
- (छ) विभिन्न स्थानों पर अवलम्बन कार्य।
- (ज) विद्युत गियर का अनुरक्षण।

4.1.6 ऊपर सूचीबद्ध कार्य के अलावा, 16 सीम इन्सेट से 14 सीम तक जे 3 शीफ्ट में मुख्य शीफ्ट रखने के कार्य का आयोजन व कार्यक्रम रविवार, 18 मार्च, 1973 के लिए रखा गया था। यह कार्य खान के मुख्य स्टाई प्रतिष्ठान के ढंग का था और इसलिए सभी संबंधितों अर्थात् एजेंट प्रवर प्रबंधक और प्रवर इंजीनियर की सलाह से यह आयोजित किया गया था।

4.1.7 अनुरक्षण के सामान्य कार्यों के संबंध में 158 व्यक्तियों को पहली पारी में भेजा गया था।

4.1.8 6 बजे शाम से शुरू होने वाली द्वितीय पारी के दौरान, जैसा कि ऊपर सूची में अंकित किया गया है, 87 श्रमिकों को, सीम 14 में सामान्य अनुरक्षण कार्यों के संबंध में पैलाया गया था।

4.1.9 दस श्रमिकों को केबल बिछाने के कार्य में लगाया गया था।

4.1.10 जैसा कि पहले कहा गया केबल का मुख्य स्थायी स्वरूप का संस्थापन था, वरिष्ठ अभियंता श्री टी०भी० लाहिरि के व्यापक पर्यवेक्षण के अधीन किया जाना था। कार्यक्रम के अनुसार, केबल को सुबह 8 बजे से शुरू होने वाली पहली पारी के जे० 3 पिट शिखर पर केज में रखी गई विशेष रूप से निर्मित केबल रोल पर रखा जाता था। इस रोल पर केबल के स्थानान्तरण करने की क्रिया में जे० 3 शिखर पिट पर रखे गये दो गयर-लाक दरवाजों को खुला रखा गया था और जे० 3 शीफ्ट पर मुख्य रोशनवान की बन्द किया गया था।

4.1.11 इस कार्य का पर्यवेक्षण सर्वश्री के०सी० मिस्त्री और एम० एन० कुण्डु सहायक अभियंता, द्वारा किया जा रहा था। सुबह कुछ समय के लिए श्री टी०सी० लाहिरि, वरिष्ठ अभियंता भी कोयला खान में उपस्थित थे।

4.1.12 चूंकि इस अवसर पर कोयला खान के वरिष्ठ प्रबन्धक, श्री के०एल० लुथरा छुट्टी पर थे, इसलिए केबल संबंधी प्रबन्ध के बारे में पंखे को बन्द करने की आज्ञा कार्यवाहक प्रबन्धक, श्री आर०के० चौधरी से की गई थी। कार्यवाहक प्रबन्धक को सूचित किया गया था कि 1 1/2 घंटे की अवधि के लिए पंखे को बन्द करना अपेक्षित होगा और इस अवधि के लिए पंखे को बन्द करने की आज्ञा उनके द्वारा दे दी गई थी।

4.1.13 केज में रखी गई विशिष्ट रीम पर केबल को स्थानान्तरित करने के कार्य को लगभग सुबह साढ़े बस बजे हाथ में लिया गया था और वास्तव में 210 एम० केबल बोपहर डेढ़ बजे तक स्थानान्तरित की गई थी, जिस अवधि के दौरान जे मुख्य सवातन पंखा बंद रहा। यहां यह टीका टिप्पणी की जानी चाहिए कि यद्यपि पंखे का सिर्फ डेढ़ घंटे की अवधि के लिए बंद करने की आज्ञा कार्यवाहक प्रबन्धक से ली गई थी, वास्तव में यह तीन घंटे के लिए बन्द था।

4.1.14 कोयला खान विनियमन 134 (ओरे के लिए अनुबंध II देखिए) के अधीन प्रबन्ध मंडल द्वारा जारी किए गए स्थायी आदेश अपेक्षा रखते हैं कि यदि मुख्य खान सवातन बंद करने के समय से एक घंटे की अवधि के भीतर पुनः चालू नहीं किया जाता है, तो भूमि के नीचे खानों से सभी व्यक्तियों को वापस बुलाया जायेगा तथापि, यदि प्रबन्धक सन्तुष्ट है कि वे स्थान, जहां पर पर्यवेक्षी कार्यों में लगे हुए, पम्प परिवारक और प्रतिवायों और सुरंत मरम्मत करने के कार्यों पर नियोजित कामिकों को कार्य करना है, रोशनवान की बंदी के दौरान पर्याप्त रूप से हवादार है, तो वे इन व्यक्तियों को आज्ञा दे सकता है, और उस बारे में लिखित आदेश देता है।

4.1.15 अभिलेखों से यह भी देखा गया है कि जे० 3 पिट में मुख्य संवातन पंखा 1.30 घंटे पर पुनः चालू किया गया था और 40 मिनट करने के बाद 14.10 घंटे पर फिर बन्द कर दिया गया था।

4.1.16 परिस्थितियों के बारे में, जिनके अधीन मुख्य संवातन पंखा 14.10 घंटे पर पुनः बंद किया गया था, कोई प्रमाण सुरंत उपलब्ध नहीं था। किमने इस बंदी का आदेश दिया इस प्रश्न पर भी मेरे सम्मुख दिये गये प्रमाण स्वरूप में विरोधात्मक हैं। जबकि पंखा रजिस्टर बताता है कि पंखा, अभियंता द्वारा 14.10 घंटे पर बंद किया गया था, न्यायालय के समक्ष न तो किसी अभियंता ने और न ही किसी सहायक अभियंता, कार्यवाहक प्रबन्धक या सहायक प्रबन्धकों में से किसी ने इस बंदी के आदेश दिये जाने के उत्तरदायित्व को स्वीकार किया। इसके विपरीत, अभिकर्ता, श्री बाइबाल ने अपने माध्यम में कहा कि पंखा गोपान मिस्त्री, एक लोहार द्वारा बंद किया गया था।

4.1.17 रविवार, 18 मार्च, 1973 को द्वितीय पारी 18.0 घंटे पर शुरू हुई और स्पष्ट: बगैर जांच किये कि खान का मुख्य रोजन-दान कार्य कर रहा था या नहीं श्रमिकों को सीम 14 में विभिन्न कार्यों को ग्रहण करने के लिए ड्यूटी पर भेजा गया था।

केवल संबंधी कार्य के लिए ड्यूटी पर भेजे गये श्रमिकों ने लगभग 16.30 घंटे कार्य को पुनः शुरू किया और केवल 16 सीम इनसैट तक नीचे लाया गया था। कार्य उस समय भी चल रहा था जबकि विस्फोट हुआ।

4.1.18 पंखा, जो कि 14 10 घंटों पर बन्द कर दिया गया था 20.10 घंटे (शाम को 8 बज कर 10 मिनट) तक बन्द रहा, यद्यपि पंखा लागू-बुक दर्शती है कि 8.10 शाम श्रक के ऊपर 6.10 शाम श्रक खो गये थे।

4.1.19 इस प्रकार यह देखा गया कि मुख्य खान संवात 10.30 घंटे के बीच, तीन घंटे के लिए बंद रहा तब यह पुनः चालू किया गया और 40 मिनट की अवधि के लिए चालू रहा और 4.10 घंटे से 20.10 घंटे तक अर्थात् 6 घंटों की अवधि के लिए पुनः बंद कर दिया गया। मुख्य संवात पक्षे की बंदी के परिणामस्वरूप सीमा 14 के कार्यों में व्यवहारिक रूप से कोई संवात नहीं था।

4.1.20 जैसा कि पैरा 3.3 में कहा गया, पार्श्व एल 2 के चोटी के सिरे पर और बाध के निकटवर्ती शीर्ष दोनों में गैस का भेक अधिक है। इसके जे 3 पंखे की लम्बी बंदी के तथ्य के साथ, परिणाम-स्वरूप 3 पूर्व स्तर और 1 पश्चिमी उठान (मुख्य वापसी) और खड्डी 2 के भाग, विशेष रूप से 4 पश्चिमी उठान की विधियों में मैथेन इकट्ठी हो गई। 1 पूर्व और 2 पूर्व उठानों के सहायक संवात पंखों ने मुख्य संवाती बिजली धारा अनुपस्थिति में हवा को इन दो उठानों में पुनः परिष्कारित किया। परिणामतः, इन उठानों में समान मैथेन-हवा मिश्रण बन चुकने की संभावना है, जोकि मुख्य वापसी को जोड़ने वाले 5 पूर्व स्तर में फैल गई फिर मुख्य वापसी के चढ़ाव पार्श्व की ओर फैल गई, क्योंकि मैथेन की हल्की होने के कारण उठान पार्श्व पर जमा होने की प्रवृत्ति है।

#### 4.2. स्वयं विस्फोटन और बचाव कार्रवाईयां

4.2.1 18 मार्च, 1973 को 20.00 घंटे से कुछ मिनट पहले विस्फोटन होने की सूचना दी गयी है।

4.2.2 मुख्य संवातन पंखा 20.10 घंटे पर पुनः चालू किया गया था। इस संबंध में कोई प्रमाण नहीं मिल रहा था कि पंखे को पुनः चालू करने का आदेश किसने दिया।

4.2.3 यद्यपि विस्फोटन के समय पिट के शिखर पर आई० आई० ए० सी० ओ० के प्रबन्ध मंडल का आई० जिम्मेदार वरिष्ठ अधिकारी उपस्थित नहीं था, लगभग 20.30 घंटे पर खान में पहुंचने वाले पहले व्यक्ति श्री लाहिरि वरिष्ठ अभियंता थे। उनका अनुगमन जीतपुर कॉलियरी के उप-मुख्य खनन अभियंता (उत्पादन) और अभिकर्ता श्री के० आर० घाटवाल ने किया था, जो पिट-शिखर पर लगभग 20.45 घंटे पर पहुंचे।

4.2.4 खान सुरक्षा उप-महा-निदेशक और उनके अधिकारी लगभग 21.30 घंटे पर पहुंचे।

4.2.5 बचाव दल लगभग 21.15 घंटे पर पहुंचे।

4.2.6 खान सुरक्षा उप-महा-निदेशक ने बचाव कार्य करने के लिए तत्काल एक स्थानीय समिति का संगठन किया।

4.2.7 उप-मुख्य खनन अभियंता (उत्पादन) और अभिकर्ता श्री के० आर० घाटवाल और सहायक प्रबन्धक श्री ज्ञान सिंह, जो कि बचाव-दलों के पहुंचने से पहले खान के नीचे गए थे, जे 3 पिट के पूर्व पार्श्व से छः शवों को बाहर लाये थे।

4.2.8 पहला बचाव दल 22.25 घंटे पर सतह पर वापस आया और उसने सूचित किया कि वे वायुगवाक्षा पार्श्व से खान के वायुमार्ग शाफ्ट स्तर तक हो आये थे और खान के वायुमार्ग शाफ्ट स्तर में उन्हें बहुत थोड़े शव मिले थे। दल ने जे 3 शाफ्ट पर केज में 4 शवों को लादा।

दूसरा बचाव दल, जोकि जे 3 पिट के मार्ग से गया था 23.45 घंटे पर वापस आया और उसने सूचित किया कि 3 व्यक्ति केज के शिखर पर और 3 केज के घनदर मरे हुए पाए गये थे और एक और 16क सीम इनसैट में मरा हुआ पाया गया था।

4.2.9 सोमवार 19 तारीख, को 00.45 घंटे पर तीसरे बचाव दल को नीचे पश्चिम पार्श्व को भेजा गया था। उन्हें तीन व्यक्ति पड़े हुए मिले। उनमें जीवित होने के चिन्ह थे। उन्होंने उनमें से एक को नोबोक्स द्वारा श्वासजीवन देकर बचाया और उसे स्टेचर पर बाहर लाए। उन्होंने वायु रन्ध्र शाफ्ट-तल के पास भी एक व्यक्ति पाया था, जिसे वे नोबोक्स की मदद से बाहर लाए।

चौथा बचाव दल 01.30 घंटे पर भेजा गया था और वे दो जीवित व्यक्तियों को बाहर लाए जिनकी सूचना इससे पूर्व तीसरे दल द्वारा दी गयी थी। उन्होंने यह भी सूचित किया कि खान के वायु मार्ग शाफ्ट स्तर में 5 शव पड़े हुए थे।

पांचवें बचाव दल को 02.50 घंटे पर एम० 1 और टी० 1 खड्डी की वायुगवाक्षा सड़क के साथ-साथ पश्चिम पार्श्व को भेजा गया था। उन्होंने उन पांच शवों का पता लगाया जोकि पहले ही ध्यान में आ चुके थे। वे 03.45 घंटे पर बाहर आए।

छठा दल 03.30 घंटे पर पूर्व पार्श्व कार्य अर्थात् एल० 2 खड्डी की खोज करने के लिए भेजा गया था। वे लंबी दीवार के फलक के पार निचले दरवाजे की सड़क द्वारा गए और शिखर दरवाजे की सड़क से बाहर आये। उन्होंने फलक पर और शिखर दरवाजे के पास 10-11 मरे हुए व्यक्तियों के पड़े होने की सूचना दी।

सातवें बचाव दल को, जो कि पुनः पश्चिम पार्श्व के कोयों को भेजा गया था, प्रतिकूल दशाओं के कारण वापस आना पड़ा था। उन्होंने वातावरण को सांस न लेने योग्य पाया, लेकिन आग का कोई भी चिन्ह ध्यान में नहीं आया था।

आठवें बचाव दल को 06.25 घंटे पर भेजा गया था। उन्हें कोई शव नहीं मिला।

4.2.10 इस बीच, जे 3 शाफ्ट में रोके गये केज को मुक्त करने के प्रयास किये गये थे। शाफ्ट में आंशिक रूप से लगाए गए केबल को काट दिया गया था और केज को पिट शिखर पर लाया गया था।

#### 4.2.11. बुधदल सम्बंधी घांड़ु और वे कैसे प्राप्त किये गए

फार्म 'ग' रजिस्टर के अनुसार, 18-3-1973 की दूसरी पारी में 102 व्यक्ति सीम 14 कार्यों के नीचे गए।

इनमें से 12 व्यक्ति भूमि के नीचे नहीं गए थे। और नीचे दिया गया है।

(क) सर्वश्री चन्द्रिका पांडे, निरालाल और दिवजान, 3 व्यक्तियों की हाजिरी लगायी गई थी, लेकिन कुछ समय बाद उन्होंने अपनी हाजिरी को कटवा दिया था।

- (ख) 4 और व्यक्ति भूमि के नीचे नहीं गए थे, लेकिन उन्होंने अपनी हाज़िरी को कटवाया नहीं था। वे सर्वश्री महेन्द्र सिंह एच० एम० रहमान, रूपनारायण सिंह और ए० सी० दास थे।
- (ग) 5 व्यक्तियों ने अपनी हाज़िरी लगवायी थी, लेकिन खान के नीचे नहीं गए और उन्होंने मल पर कार्य किया। वे सर्वश्री खालसार गौर, कामेश्वर पांडे, जगनार सिंह, रागापाव और नागन्नाथ पास्सी थे। इस प्रकार यह प्रतीत होता है कि 90 व्यक्ति भूमि के नीचे गए।

निम्नलिखित अनियमितताएं भी ध्यान में आयी थी :—

- (क) श्री सातनुराम, टिडल की उपस्थिति 14 सीम में लगायी गयी थी लेकिन वह जे 3 पिट की मिड-इन-सेट पर था।
- (ख) श्री रामकलाप विष्वकर्मा की उपस्थिति 16 सीम के 'ग' रजिस्टर में लगाई गयी थी लेकिन वास्तव में वह नीचे 14 सीम में गया।
- (ग) श्री बिंदु सिंह, टिडल की उपस्थिति 16 क सीम के 'ग' रजिस्टर में लगायी गयी थी जबकि वास्तव में उसने सीम 14 में कार्य किया था।

प्रतः वास्तव में सीम 14 में 91 श्रमिक थे।

ठेकेदारों के 4 (चार) श्रमिक जो कि वास्तव में नीचे 14 सीम में गए थे, फार्म 'ग' रजिस्टर में उपस्थित नहीं दिखाए गये थे। वे सर्वश्री जमुना प्रजापति, मरेश यादव, प्रमिष्या साधो और सीताराम यादव थे।

ऊपर दिए गए सभी तथ्यों को ध्यान में रखते हुए 18-3-1973 की द्वितीय पारी के विभिन्न घंटों के दौरान कुल 95 व्यक्ति 14 सीम के नीचे गए।

इन 95 में से :—

- (i) 23 विस्फोटन से पहले ऊपर सतह पर आ गए।
- (ii) 22 अपने-आप या अपने सह-श्रमिकों की सहायता से विस्फोटन के बाद बाहर आए, उनमें से श्री बी०पी० श्रीवास्तवा (डी 48) का 2-4-1973 को स्वर्गवास हो गया।
- (iii) 4 विभिन्न बचाव दलों द्वारा बचाए गए थे। इस प्रकार 46 को लेखा न दिये जाने पर छोड़ दिया गया और वे मरे हुए पाये गए। 20-3-73 की उषाकाल तक, सभी शवों की पुनः प्राप्ति द्वारा इस अंक की पुष्टि की गयी थी।
- जे 3 शाफ्ट की 16क सीम इनसैट में दो व्यक्ति प्रभावित हुए थे जिनमें से श्री एच० के० प्रस्तारी (डी० 11) सी० ओ० जहर से मर गये।

इस प्रकार मृत व्यक्तियों की संख्या निम्न प्रकार है :—

16 क सीम इनसैट	1
खनन सिरदार (डी० 48), जो कि बाद में मर गए	1
भूमि के नीचे और जे 3 शाफ्ट से पुनः प्राप्त हुए शव	46
	48

शवों और उत्तरजीवियों की स्थिति और उनके कार्य-स्थलों के व्योरे अनुबंध (नकशा) में दिए गए हैं।

**विस्फोटन के कारणों की खोज**

5.1 गैस के विस्फोटक मिश्रण के रूप में विद्यमान होने के कारण, विस्फोटन सिर्फ प्रज्वलन होने पर ही होता है। अतः तत्काल विचारार्थ

सामग्री यह है कि प्रज्वलन कैसे हुआ। सामान्यतः निम्नलिखित कारणों में से किसी एक या अधिक के होने से प्रज्वलन हो सकता है :—

- (क) भूमिगत आग
- (ख) शाट-फायरिंग
- (ग) कोयला काटने वाली गेटियों से उत्पन्न आबर्ती चिनगारियां
- (घ) नग्न ज्वाला और विनिषिद्ध बीजे।
- (ङ) पत्थर पर पत्थर का घाघात करना या अन्य धात्विक वस्तुओं से घर्शणी चिनगारियां।
- (च) ज्वाला-सुरक्षा लैम्प।
- (छ) विद्युत टोपी लैम्पे और
- (ज) विद्युत्, सबंधी उपकरण से चिनगारी।

यह निश्चय करने के लिए कि प्रज्वलन का वास्तविक कारण उक्त सम्भावनाओं में से कौन सी सम्भावना थी, मैं विलोकन की प्रक्रिया द्वारा कार्य करने का प्रस्ताव करता हूँ।

#### 5.1.2. भूमिगत आग

विस्फोटन के 1½ से 2 घंटों के अन्दर बचाव दलों ने कार्य शुरू कर दिया था। बचाव-दलों के निरीक्षण के समय भूमिगत आग की घटना का सुझाव देने के लिए कुछ नहीं पाया गया था। किसी जवाहरी ने इस बारे में नहीं कहा है और कोई भी पक्ष इस पर जोर नहीं देता है।

#### 5.1.3. शाट फायरिंग

विस्फोटन का दिन साप्ताहिक छुट्टी का दिन होने के कारण जबकि कोई उत्पादन नहीं किया जाता फायर करने की कोई आवश्यकता नहीं थी, न ही कोई शाट फायर किया गया था जो परिणामतः शाट फायरिंग को विस्फोटन के कारण के साथ ही नहीं छोड़ा जा सकता है।

#### 5.1.4. कोयला काटने वाली मशीन से उत्पन्न हुई चिनगारी

चूँकि यह कोयला उत्पादन का दिन नहीं था, इसलिए कोयला काटने की मशीनें प्रयोग में नहीं लाई जा रही थी। अतः कोयला काटने वाली गेटियों से कोई चिनगारी नहीं निकल सकती थी किसी दल ने यह राय नहीं दी है।

#### 5.1.5. नग्न ज्वाला

किसी व्यक्ति द्वारा धूम्रपान करने का या नग्न प्रकाश की उपस्थिति को बिलकुल गवाही नहीं है। तदनुसार, इस कारण को भी बिलुप्त करना होगा।

इस प्रकार प्रज्वलन के शेष तीन कारण हमारे पास रह जाते हैं, अर्थात् :—

- (i) घर्शणी चिनगारियां।
- (ii) क्षतिग्रस्त लौ सुरक्षा लैम्पों और विद्युत कैप लैम्पों, और
- (iii) विद्युत् उपकरण से चिनगारियां

#### 5.1.6. घर्शण चिनगारियां

लिखित अन्तर्व्य में प्रबन्धकों ने यह तर्क किया है कि छत के एक गर्डर के 3 पूर्व राईज स्तर और 1 पश्चिम स्तर के संघट्टस्थान पर धातु की एक ताली के ऊपर गिरने से पैदा हुई रगड़ से आग लगी। गर्डर के विखनन का कारण बिस्फोट से पूर्व छत का गिरना अधिकथित है : प्रबन्धकों ने इस बात की संभावना को भी असंगत घोषित नहीं किया है कि आग लगने का कारण या तो किसी क्षतिग्रस्त लौ सुरक्षा लैम्प का शोला या क्षतिग्रस्त विद्युत् सुरक्षा लैम्प का दोष सघाहक (फिलामेंट) हो सकता है।

5.1.7 खान सुरक्षा यह निदेशालय द्वारा की गई जांच से पता चलता है कि आग लगने का संभव कारण विद्युत उपकरण से निकली एक चिनगारी है।

5.2 अतः यह आवश्यक है कि प्रबन्धकों द्वारा पेश किए गए मामले और खान सुरक्षा महानिदेशालय द्वारा की गई छानबीन की सविस्तार जांच की जाए।

5.2.1 लिखित वक्तव्य में प्रबन्धकों ने विस्फोट के कारण के बारे में एक सरसरी हवाला यह कह कर दिया है कि 1 पश्चिम राईज में छत के गिरने के कारण गैस का बहुत अधिक निर्गमन हुआ जिसमें एक गिरे हुए गड्ढे से निकली चिनगारी से आग लग गई।

5.2.2 जांच न्यायालय के समक्ष साक्ष्य देने हुए श्री धार० धार० खन्ना तकनीकी विशेषज्ञ ने प्रबन्धकों के पक्ष का स्पष्टीकरण किया।

5.2.3 श्री खन्ना का यह विचार था कि हम भीषण दुर्घटना के लिए मुख्य खान के पक्षे का रुक जाना किसी महत्वपूर्ण सीमा तक उत्तरदायी नहीं है।

5.2.4 अपने साक्ष्य में श्री खन्ना ने यह भी कहा कि यदि खान सुरक्षा महानिदेशालय की रिपोर्ट के अनुसार गैस का मेक 500 टन प्रतिदिन की रेंजिंग के साथ 13.45 एम 3 प्रतिटन था तो 700 टन प्रतिदिन की रेंजिंग के लिए गैस का मेक लगभग 15 एम 3 प्रतिटन होगा। 3 पूर्व राईज स्तर के ऊपर कार्यस्थलों के आयतन को ध्यान में रखते हुए श्री खन्ना ने अनुमान लगाया कि निर्गमित हुई गैस इन सारे कार्यस्थलों के आयतन की 17 प्रतिशत मेथेन के एक समरूप मिश्रण से भर सकती। परत के प्रति मेथेन की प्रवृत्ति के कारण इसका परिणाम छत के निकट गैलरियों में भारी एकत्रीकरण हो सकता था जिससे श्रमिक विस्फोट होने से भी पहले मूर्छित हो जाते। हम आधार पर उन्होंने प्रकाश रश्मि शीर्षों को छोड़ कर गैस के एकत्रीकरण की संभावना को पूर्णतः अंगण घोषित किया।

5.2.5 श्री खन्ना ने अनुमान लगाया कि वायुरन्ध्र और खान के वायुमार्ग शीपटों के बीच लगभग  $3^0$  सी (5° एक) के तापमान के अन्तर के साथ 14.5 एम एम (0.18) जल पैमाने के दबाव पर 14 सीम में प्राकृतिक संवातन वायु की प्रति मिनट 1,234 एम 3 मात्रा परिचालित करेगा।

5.2.6 इसके अतिरिक्त, जे 3 शीपट में मुख्य संवातन पंखे के रुक जाने की स्थिति में 14 सीम के संवातन के लिए वैकल्पिक व्यवस्था विद्यमान थी। श्री खन्ना के अनुसार, चूंकि विस्फोट के दिन उपर्युक्त दोनों व्यवस्थाया विद्यमान थी और 14 सीम में पर्याप्त वायु परिचालित कर रही थी, इसलिए गैस का एकत्रीकरण नहीं हो सकता था। कनिष्ठ पर्यवेक्षी कर्मचारियों ने, अर्थात् श्रीवरमैन और खनन मिरदारो ने विस्फोट से कोई 1-1½ घंटा पहले खान के कार्यस्थलों की गैस के लिए परीक्षा की थी और कोई गैस रिकार्ड नहीं की गई थी। कनिष्ठ पर्यवेक्षी कर्मचारियों ने जो पता लगाया है, उस पर विश्वास न करने का कोई कारण नहीं था।

5.2.7 विनियम, 145 (क)(1) का हवाला देते हुए श्री खन्ना ने कहा कि गैस का एकत्रीकरण किसी खान के मुख्य वापसी स्थान में 0.6 प्रतिशत तक जा सकता है जिसके लिए प्रबन्धकों के लिए गैस की जांच करना एक महीने तक अपेक्षित नहीं है। 0.6 से 0.8 प्रतिशत के बीच इसकी केवल साम्प्रदायिक जांच की आवश्यकता है और 0.8 प्रतिशत के बाद वैदिक जांच की आवश्यकता है। इसी विनियम में अनुबन्ध है कि 1.25 प्रतिशत गैस एकत्रित हो जाने पर खान की सारी बिजली काटी जानी है।

इसे ध्यान में रखते हुए 14 सीम में वायु की मात्रा 857 एम 3 प्रति मिनट (30,000 सी० एक० एम०) तक घट जाने की आशा की जा सकती है और फिर भी, प्रबन्धकों को महीने में केवल एकबार गैस की परीक्षा करने की आवश्यकता है। इस से पूर्व कि प्रबन्धकों के लिए गैस की परीक्षा साप्ताहिक रूप से अपेक्षित हो, यह मात्रा (वायु की मात्रा) 570 एम 3 प्रति मिनट (20,000 सी० एक० एम०) से 857 एम 3 प्रति मिनट (30,000 सी० एक० एम०) होनी आवश्यक है और गैस की वैदिक जांच किए जाने से पूर्व इसे (वायु की मात्रा को) घटा कर 570 एम 3 प्रति मिनट (20,000 सी० एक० एम०) से नीचे चले जाना होगा। इससे पूर्व कि प्रबन्धक विद्युत पावर काट दें, यह घट कर 340 एम 3 प्रति मिनट (12,000 सी० एक० एम०) तक हो सकती है। श्री खन्ना के अनुसार खान में ऐसी परिस्थितियां कभी विद्यमान नहीं थी।

5.2.8 एक विशिष्ट प्रश्न के उत्तर में कि यदि गैस का एकत्रीकरण नहीं हुआ, तो इतनी अचानक गैस कहाँ से आ गई, श्री खन्ना ने प्रबन्धकों की ओर से कहा कि 3 पूर्व राईज स्तर और 5 पूर्व स्तर के बीच 1 पश्चिम राईज में एक बड़ी छत के गिरने से, जिससे कोई 700 टन कोयला उखाड़ा गया, अचानक गैस का आवाधावन हुआ। अपने सिद्धांत की व्याख्या करते हुए श्री खन्ना ने एल 1 फेस और 1 पश्चिम राईज हाईग के बीच के रोड पर एल 1 फेस के अगले स्तम्भ का बचाव पड़ा। यद्यपि सामान्यतः अगला स्तम्भ विस्तार में पेंस से 12 मीटर से अधिक नहीं होता फिर भी श्री खन्ना ने बताया कि ऐसे उदाहरण भी रहे हैं जिनमें बाधावस्त अंचल 90 मीटर तक रहा है। श्री खन्ना के अनुसार हम मामले में स्तम्भ के दबाव के कारण 1 पश्चिम राईज में कोयला छत पिस गया जैसा कि तीन-पीस वाले इस्पात सेटों को इस्पात मुन्बदों से प्रतिस्थापित करने की आवश्यकता को देखने में आया। बचाव से मेथेन, 1 पश्चिम राईज गैलरी की टूटी हुई छत की दरारों में एकत्र हो गई थी और वह छत के गिरने के परिणामस्वरूप एकदम विमुक्त हो गई थी।

5.2.9 श्री खन्ना के अनुसार हम प्रकार जो गैस विमुक्त हुई, वह गिरने के कारण उत्पन्न हुए हवाई विस्फोट के परिणामस्वरूप 1200 मीटर प्रति मिनट की बहुत तेज गति से खान में एक सूक्ष्म परत के रूप में फैल गई। लगभग उसी समय, 3 ईस्ट राईज स्तर गेट ब्रेट से मुख्य ट्रंक बेल्ट की ओर स्थानान्तरण बिन्दु पर एक गिरते हुए छत के गड्ढे और सपिल नाली के बीच रगड़ से एक चिनगारी उत्पन्न हुई। शोला छत के निकट पूर्व की ओर तब तक बढ़ता गया जब तक कि वह डार्रिंग्टों के अंतिम मिरों पर एकत्र हुई कुछ गैस से जा कर किराया न होगा।

तब हम गैस का विस्फोट हो गया और उत्पन्न हुई शक्तियां अथ पश्चिम की ओर बढ़ने लगी। आग लगने के बिन्दु से शोला भी पश्चिम की ओर बढ़ा जैसा कि यह तथ्य दर्शाता है कि 4 पश्चिम राईज भी और 1 और 2 पूर्वी राईजों में भी एक चिरकालीन ही शोला मौजूद था।

5.2.10 श्री खन्ना ने उच्च तनाव की मुख्य पी आई एन सी डी डब्ल्यू एकेबल के एक भाग की पट्टी की क्षति का हवाला दिया जो 21 पूर्वी राईज और 2 पूर्वी राईजों के बीच 3 पूर्वी राईज में घरे एल 2 डिस्ट्रिक्ट को पावर की पूर्ति कर रही थी जिसे जमक का पता दिया था और कहा कि विस्फोट से इसका क्या सम्बन्ध था, इसकी ओर आगे जांच करनी आवश्यक होगी।

5.2.11 संक्षेप में, प्रबन्धकों का पक्ष इस प्रकार है कि एक पश्चिम राईज में छत के गिरने के परिणामस्वरूप गैस विमुक्त हुई थी। गिरते हुए गड्ढे और 1 पश्चिम राईज के मुख्य कनवेयर की ओर से जाने वाले 3 पूर्वी राईज स्तरकनवेयर के स्थानान्तरण बिन्दु पर नाली के बीच घर्षण से उत्पन्न हुई चिनगारी से गैस में तुरन्त आग लग गई।

3.1 प्रबन्धको द्वारा पेश किए गए मामले की कुछ विंगार मे जांच की गई ।

3.2 श्री खन्ना का यह अधिकतम कि राईज कार्यस्थल मे श्रमिक विस्फोट पूर्व ही बेहोश हो गए होने, अमान्य है क्योंकि जवा मे हल्की होने के कारण उन की यह स्वाभाविक प्रवृत्ति है कि वह कार्यस्थल के ऊपर की ओर बढ़ती है और वहां अपनी परत जमाती है और उसका अधिकतम एक-लीकरण छत के ही निकट होता है । आक्रियजन की कमी से मूर्छा केवल मेथेन के अत्यधिक एकत्रीकरण के कारण हो सकती है । यह सम्भव है कि 4 और 5 पूर्वी राईज स्तरों में गैस इस सीमा तक एक्क हो गई हो कि उससे विस्फोट का खतरा उत्पन्न हो, परन्तु वह 3 पूर्वी राईज स्तर में इतनी अधिक एकत्र न हो सकी हो जिससे वहां काम करने वाले बिजली मिस्त्री मुश्किल हो जाएं । पूछे जाने पर श्री खन्ना यह बता सकने की स्थिति में नहीं थे कि विभिन्न स्तरों की गैसरियो मे विभिन्न राईज के कार्यस्थलों में मेथेन के एकत्रीकरण का वितरण क्या हो सकता है ।

5.3.3 श्री खन्ना ने यह तर्क दिया है कि 14 सीमी में जेट शीफ्ट के माध्यम से संवातन की वैकल्पिक प्रणाली और प्राकृतिक संवातन के जरिये वायु की पर्याप्त मात्रा परिष्कृत थी । 15 ए सीम में जे 2 और जे 3 शीफ्टों के बीच व्यवस्थित दो संवातन-दरवाजों का एक सेट है (नक्शा संख्या 1 देखिए) । यह दरवाजे जे 2 शीफ्ट की ओर खुलते हैं और जब जे 2 और जे 3 दोनों पंखे चल रहे हों तो वे विभिन्न दबाव द्वारा इस प्रकार बंद रखे जाते हैं । जे 3 पंखे के रुकने की स्थिति में, यह दरवाजे स्वतः खुल जाते हैं और इस प्रकार 14 सीम के लिए जे 1 शीफ्ट के माध्यम से, जे 3 शीफ्ट के निचले भाग से 16 ए सीम और जे 2 शीफ्ट तक सम्भव संवातन परिधि की व्यवस्था करते हैं । तथापि, ऐसी स्थिति मे जे 2 पंखा 4 विखण्डों द्वारा वायु संभालता है :-

(क) तूनीडिह शीफ्ट और 16 ए सीम,

(ख) जे 1 शीफ्ट, 16 सीम और जे 2 शीफ्ट,

(ग) जे 3 शीफ्ट का ऊपर वाले भाग मे लेकर 16 ए सीमा तक, जो अब वायु धरार लाने का कार्य करती है, और

(घ) जे 1 शीफ्ट, 14 सीम और जे 3 शीफ्ट का निचला भाग ।

इन विखण्डों में से, सबसे कम अवरोध विखण्ड 'सी' का होगा विशेषकर उस समय जब कि सतह के वायु-सावा दरवाजे खोले जाते हैं जैसा कि इस मामले में घटित हुआ । 14 सीम विखण्ड (विखण्ड 'डी') का अवरोध अधिकतम होगा और इस प्रकार ए उसके द्वारा, यदि परिष्कृत की ही जाती है तो जवा की बहुत कम मात्रा परिष्कृत किए जाने की सम्भावना है । कार्यकरण की वर्तमान शयस्था में 14 सीम की संवातन प्रणाली का मामूथेय सिद्ध करने के लिए वायु का कोई माप नहीं ली गई थी ।

वास्तव में संवातन की ऐसी स्वचालित वैकल्पिक प्रणाली की स्थापना का औचित्य सन्दिग्ध है । 14 सीम मे पर्याप्त संवातन सुनिश्चित न कर सकने के कारण वह अवश्य ही 16 सीम का सामान्य संवातन कम कर देगी ।

5.3.4 प्राकृतिक संवातन दबाव, जो सतह के वायु तापमानों और नमी पर अधिक निर्भर करता है, के नगण्य होने की सम्भावना है । उस दिन खान में जिन तापमानों के रहने की सम्भावना थी, अनुमान लगाने हुए, घटना के दिन हो सकता है, इसने उल्टी दिशा मे कार्य किया हो । श्री खन्ना का यह तर्क कि ऊष्णगत और निम्नगामी शीफ्ट तापमानों में कम मे कम 3<sup>0</sup> सी का अन्तर होगा, संपरीक्षण के प्राये टिक नहीं पाता ।

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5.3.5 श्री खन्ना का कथन कि प्रति मिट्ट वायु की 31<sup>0</sup> एम 3 मात्रा 14 सीम का संवातन करने लिए पर्याप्त थी और यह कि विशुद्ध पावर काट देना आवश्यक नहीं था, स्वीकार नहीं किया जा सकता क्योंकि यह मात्रा फेम की वायु के बेग से सम्बंधित आवश्यकताओं को पूरा नहीं करती । वायु की इतनी कम मात्राओं के रहने हुए कोई भी फेसो पर मेथेन परतें उत्पन्न होने की सम्भावना को देखे बिना नहीं रह सकता ।

5.3.6 श्री खन्ना का यह अनुमान कि एक बड़ी छत के 1 पश्चिम राईज में अचानक गिरने मे काफी गैस उत्पन्न हुई जिसके परिणाम स्वरूप विस्फोट हुआ, खूब बूझ कर लागा हुआ है और यह अकल्पनीयताओं पर आधारित है ।

यह दृष्टिकोण करता कठिन है कि 1 पश्चिम राईज जो 1 मीटर पर रखे काफी मजबूत आयताकार इस्पात अवलम्ब द्वारा प्रचुर रूप से समर्थित पर्याप्त समय से खड़ी थी, बिना किसी स्पष्ट कारण के 1 पश्चिम राईज के साथ इतने बड़े भाग (60 मीटर) पर अचानक क्यों गिर पड़ी ।

5.3.7 जहां तक दबाव के अन्तर्गत 1 पश्चिम राईज की छत के ऊपर गैस के एकत्रीकरण का संबंध है, यह दृश्यमान करना कठिन है कि गैस खुदे हुए स्थान की राह से राईज की ओर जाने और वापस जाने वाली वायु में शामिल हो जाने के स्थान पर, दबाव के अधीन किस प्रकार रह सकी होगी, विशेषरूप से जब कि एल 1 तल वासी लिफ्ट को निकालने का काम काफी समय पूर्व पूर्ण हो चुका था ।

अपने साक्ष्य में, केन्द्रीय खनन अनुसंधान केन्द्र के डा० घोष ने बताया है कि 3 माह के बाद कोयले की अनावृत बेकार सतह पर कठिनाता से 10% गैस स्थिर रखी जाती है और यह कि छः माह के बाद छत कोयले मे अनावृत बेकार सतह केवल 4% से 5% गैस स्थिर रखती है । चूंकि 1 पश्चिम राईज का विकास काफी पुराना है, इसलिए डा० घोष की यह राय थी कि इस राईज के छत कोयले में स्थिर रखी गई गैस इतनी पर्याप्त नहीं होगी कि वह गैस का अन्तरागमन उत्पन्न कर सके जिसके परिणामस्वरूप विस्फोट का खतरा हो ।

5.3.8 श्री खन्ना ने प्राग लगाने का संभव स्रोत धातुओं के बीच चर्चणी चिनगारी बताया है । यद्यपि प्राग लगाने का यह एक संभव स्रोत है तथापि वर्तमान मामले मे इसकी भूमिका को श्री खन्ना द्वारा प्रति-पादित केवल गैस निर्गमन के सिद्धान्त के संबंध में स्वीकार किया जा सकता है ।

5.3.9 श्री खन्ना ने युनाईटेड किंगडम की कोलियरियो मे ऐसी चर्चणी—चिनगारियो द्वारा मेथेन के विस्फोट के तीन उदाहरण उद्धृत किये हैं । न्यायालय ने इन तीन मामलों से संबंधित जांच रिपोर्टों की परीक्षा की है और यह पाया है कि इन तीनों मामलों में गैस उन गैलरियों की छत पर पहले से विद्यमान छिद्रों में एकत्र हो गई थी, जिनमें समूचित रूप से वायु संचरित नहीं की गई थी । इसलिए श्री खन्ना का वर्तमान आधार तत्त्व इन उदाहरणों से सदुपयत्ना स्थापित नहीं कर सकता ।

5.3.10 श्री खन्ना ने कहा है कि 1 पश्चिम राईज में गिराव के नीचे बाहक को रेखांकन से बाहर नहीं हटाया गया था । यद्यपि जांच के पूर्ण हो जाने के समय तक गिराव का केवल एक छोटा सा भाग हटाया गया था, तथापि निर्धारकों में एक निर्धारक प्राध्यापक जी० बी० मिश्र ने स्थल का निरीक्षण किया और इस बात का साक्ष्य पाया कि बाहक के फ्रेम असंबद्ध किये गये थे और 150 एम एम की सीमा तक तिरछे हटाये गये थे ।

5.3.11 श्री खन्ना द्वारा वर्णित एच० टी० केवल के एक भाग को पकड़ी क्षति के बारे मे निर्धारकों मे से एक निर्धारक, श्री ताबाड़े की छानबीन पर यह पाया गया कि इस केवल को उपयुक्त समर्थन प्राप्त

था और यह कि कोई बाह्य यांत्रिकी क्षति नहीं हुई थी। जिस बिन्दु पर चमक पैदा हुई थी, उसके निकट कई स्थानों पर सीसे की अन्दरूनी चादर क्षतिग्रस्त पायी गयी थी। सीसे की चादर को क्षति स्थापन से पूर्व केबल के परिवहन और उसे संभालने के दौरान हो सकती है। ऐसा प्रतीत होता है कि केबल में यह दुर्घटना बिन्दु टूट गया था जिससे एक फेज और भूमि के बीच चमक उत्पन्न हुई और यह, जो ड्रिल पैनल में घटा, जिसे बाद में भ्राम्य लगने के स्रोत के रूप में वर्णित किया गया था परिणामी हो सकता है।

5.3.12. इस प्रकार, प्रबन्धकों द्वारा पेश किया गया केस मुझे दुर्घटना और भ्राम्य प्रतीत होता है।

#### 5.4. सामान्य जैसा कि यह खान सुरक्षा महानिदेशालय द्वारा प्रस्तुत किया गया

5.4.1. अपने माध्यम में, खान सुरक्षा महानिदेशालय ने कहा है कि जब खान का मुख्य संवातक बन्द किया गया था तो गैस का गठन, गैस का एकत्रीकरण करने के लिए पर्याप्त था जो कि विस्फोट मिश्रण के निर्माण में सहायक छः घंटे के लिए पक्के बन्द रहने की दूसरी किस्त अर्थात् 14-10 घंटों से 20-10 घंटों तक की किस्त को ध्यान में रखते हुए, उन्होंने अनुमान लगाया कि लगभग 2200 एम 3 गैस एकत्र हो सकती थी। उन्होंने यह भी अनुमान लगाया है कि मेथेन और विस्फोट में अन्तर्ग्रस्त राईज कार्यस्थलों से वायु का 10 समरूप मिश्रण पैदा करने के लिए लगभग 1500 एम 3 गैस काफी हो सकती है। खान सुरक्षा महानिदेशालय ने तर्क दिया है कि लगभग 300 एम 3 मात्रा का एकत्रीकरण भी काफी जोरदार विस्फोट पैदा कर सकता है। उस हैसियत से, विस्फोट का खतरा पैदा करने वाला गैस का एकत्रीकरण विद्यमान था।

5.4.2. सहायक पंखों द्वारा पुनःपरिचालन के परिणामस्वरूप कार्यस्थलों में गैस का एक समरूप मिश्रण प्राप्य था जिसने कार्यालयों में विस्फोट का और खतरा उत्पन्न कर दिया।

5.4.3. जहाँ तक भ्राम्य लगने के स्रोत का संबंध है, खान सुरक्षा महानिदेशालय का यह मत है कि विस्फोट, एक विद्युत उपकरण से निकली एक चिनगारी से पैदा हुआ था और गैस में भ्राम्य लगने की अन्य संभावनाओं को उन्होंने अंगण ठहराया है।

5.4.4. विस्फोट के पश्चात् जांच के दौरान, खान सुरक्षा महानिदेशालय के अधिकारियों ने एल 2 फेस के टाप-नोट में एक 'विक्टर' मार्क डब्ल्यू-यूनिट ड्रिल पैनल खुली अवस्था में पड़ा पाया था। ड्रिल का भ्रमला आवरण खोला गया था और भूमि पर रखा गया था। आप्रवासी कागज द्वारा बिसंवाहित वोहरी तार द्वारा कवचित केबल को ग्रंथित बक्से से बहार खींचा गया था और ड्रिल पैनल को अपने असली स्थान से। एम दूर फैका गया था। तीन बिजली मिस्त्रियों और एक हेल्पर के शब्द भी, जिन पर जलने के गंभीर धाव थे, एल 2 फेस के टाप-नोट में ड्रिल पैनल के स्थान के सन्निकट पढ़े पाये गये थे। तबनुसार, खान सुरक्षा महानिदेशालय ने यह निष्कर्ष निकाला है कि भ्राम्य लगने का स्थान एल 2 पैनल के टाप-नोट में ड्रिल पैनल के निकट था।

5.4.5. इन अवलोकनों पर आधारित खान सुरक्षा महानिदेशालय ने, शोले की शक्तियों के बढ़ने की दिशा की व्याख्या करनी शुरू कर दी है जैसा कि कालिख और डेबोलेटिनाईज्ड कोयले के जमाव और गिरी हुई छत के अवलम्बों और विस्थापित मशीनों की स्थिति के सर्वेक्षण से प्रकट है।

5.4.6. खान सुरक्षा महानिदेशालय की ओर से (नक्शा संख्या 3 देखिये) शक्तियों के भ्राम्य बढ़ने की ओर व्याख्या करते हुए, यह बताया गया कि चूंकि विस्फोट का उत्पत्तिस्थान टाप-नोट और पूर्वी पक्ष की ओर

एल 2 लम्बी दीवार फेज के सन्धिस्थान के सन्निक था, इसलिए शोला ड्रिल पैनल के निकट से 6 पूर्वी राईज के साथ-साथ 5 पूर्वी राईज तक ऊपर की ओर बढ़ा था जब यह एक विस्फोटक शक्ति के रूप में विकसित हो गया।

5.4.7. तल गेट के कहीं निकट अपनी विस्फोटक शक्ति खोने से पूर्व, इस शक्ति का एक भाग अपने रास्ते के साथ-साथ एकत्रित गैस की एक सीमित मात्रा का उपभोग करते हुए, 6 पूर्वी राईज से नीचे होता हुआ एल 2 लम्बी दीवार के फलक की ओर बढ़ा।

5.4.8. शोले के साथ-साथ मुख्य विस्फोटक शक्ति-पूर्व और 4 पूर्व स्तरों के साथ-साथ पश्चिम की ओर बढ़ी, एक छोटा-सा भाग 3 पूर्व राईज स्तर में पश्चिम की ओर भी बढ़ा। जैसा कि इस तथ्य से सिद्ध होता है कि 3 पूर्व और 4 पूर्व राईज स्तरों के बीच की विभिन्न राईज गैसमयों के स्टॉपिंग डिप की ओर उड़ा दिये गये हैं और मलबा 3 पूर्व राईज स्तर गैलरी के डिप पक्ष की ओर जमा हो गया, 5 पूर्व और 4 पूर्व राईज स्तरों में शक्तियां 3 पूर्व राईज स्तर की शक्तियों से अधिक भज-बूत थीं। 4 पूर्व स्तर में बढ़ते हुए शोले ने 2 पूर्व राईज में एकत्रित गैस में भ्राम्य लगाई।

5.4.9. जो शोला 5 पूर्व स्तर के साथ-साथ पश्चिम की ओर बढ़ा, उसने 1 पूर्व राईज में एकत्रित गैस में भ्राम्य लगाई। खान सुरक्षा महानिदेशालय की राय में इस बात का कोई पुष्टिकृत प्रमाण प्रतीत नहीं होता कि 1 पूर्व राईज में हुए विस्फोट में कोयला धूल ने भाग लिया हो, यद्यपि, अनुमानतः शोलों के रुक जाने के कारण कुछ कोक के कण पाए गए थे। शोला पश्चिम की ओर और भ्राम्य बढ़ा और इस सारे वापसी वायुमार्ग में मेथेन की परत के कारण अन्ततः उसने 6 स्तर के 1 पश्चिम राईजों के बीच के स्टॉपिंग को तोड़ कर डी 2 पैनल में रास्ता पा लिया और डी 2 फेस के साथ-साथ बढ़ निकला। डी 2 फेस से यह एक 4 पश्चिम राईज के छिपे हुए सिरे तक बढ़ गया था। ऐसा लगता है कि शोला इस स्थान पर काफी अवधि के लिए रुका रहा और इस बात का कुछ माध्यम है कि इस क्षेत्र में हुए विस्फोट में कोयला धूल ने भाग लिया था;—यद्यपि स्थान सीमित ढंग से भाग लिया। प्रवण्ड शक्तियां तब पूर्व की ओर और अन्ततोगत्वा वायुसी वायुमार्ग के साथ-साथ होने हुए डिप की ओर बढ़ गईं। इस से वापसी वायुमार्ग में उन अवलम्बों को क्षति पहुंची, जो उखड़ गये थे और जिसका परिणाम भारी छत का गिरना हुआ।

5.5.1. इंडियन नेशनल माईन वर्कर्स फेडरेशन और इंडियन माईन वर्कर्स फेडरेशन, खान सुरक्षा महानिदेशालय द्वारा व्यक्त किये गये विचार से सामान्यतः सहमत है और इसलिए खान सुरक्षा महानिदेशालय के साथ और तर्क का सविस्तार अध्ययन किया गया।

5.5.2. तकनीकी निर्धारकों ने शोले के बढ़ने की दिशा के साथ और काफी समय तक भूमिगत प्रचण्डता की जांच की है और वे खान सुरक्षा महानिदेशालय द्वारा सुझाई गई शोले और प्रचण्डता के चरने की सामान्य दिशा से सहमत हैं। कोयला धूल, जमा हुए कोक और कालिख के नमूने केन्द्रीय खनन अनुसंधान केन्द्र, धनबाद के वैज्ञानिकों द्वारा एकत्र किए गये थे। इमारती लकड़ी पर जमा हुए कोक का विश्लेषण केवल आंशिक डेबोलेटिनाईजेशन दर्शाता है। केन्द्रीय खान अनुसंधान केन्द्र और बच्चाब दलों ने उन हैडिंगों से गैस के कुछ नमूने एकत्र किए थे जो विस्फोटोत्तर संवातन से उधट-पुलट नहीं हुए थे। जोन्स और ट्रिक्लैट अनुपात तथा विभिन्न नमूनों की सी एच अनुपात दर्शाने वाली विश्लेषण रिपोर्टें से कोयले की धूल द्वारा या 4 पश्चिम राईज में कोयला-धूल से मुक्त हुए वाष्पशील द्रव्यों द्वारा भी केवल आंशिक रूप से भाग लिये जाने का अनुमान लगता है।

5.5.3. इस प्रकार, कोक के नमूनों और गैस के नमूनों, दोनों ही के विश्लेषण के आधार पर यह निष्कर्ष निकाला जा सकता है कि कोयले

की धूलि ने विस्फोट में बहुत कम भाग लिया। कोयले की धूलि द्वारा विस्फोट में भाग लिया जाना निम्नलिखित कारणों से प्रभावकारी रूप में रोक दिया गया :—

- (क) खान में पत्थर धूलि रोधों की पर्याप्त व्यवस्था किया जाना और विस्फोट के समय उनकी सफल संक्रिया;
- (ख) मेथेन के विस्फोट के कारण ताज़ा वायु का भंडार समाप्त हो चुकना।

5.5.4 न्यायालय का समाधान हो गया है कि विस्फोट का खतरा उत्पन्न करने के लिए राईज कार्यस्थलों में पर्याप्त गैस एकत्र हो गई होगी।

5.5.5 प्राग लगने के स्रोत के सम्बन्ध में न्यायालय खान सुरक्षा महानिदेशालय के निष्कर्षों से सहमत है। श्री ताबाडे तकनीकी निर्धारक, सुभाव पर केन्द्रीय खनन अनुसंधान केन्द्र ने प्रश्नगत ड्रिल पैनल की जांच की थी। निष्कर्ष निम्न प्रकार थे :—

जितपुर कोलियरी में एल 2 क टाप गेट से

विस्फोटन से डबल यूनिट ड्रिल पेन्स के परिणाम

(क) भौतिक जांच

1. आप्रवासी अन्तिम कक्ष और आइसोलेटर कक्ष के स्थिर करने वाले खम्भे नियमानुकूल पाये गये थे।

2. भूक ड्रिल यूनिट का मुख्य आवरण खान से भ्रम से पुनः प्राप्त किया गया था इसलिए यह निश्चित करना संभव नहीं हुआ कि आवरण पर कितने बोल्ट लगाये गए थे।

3. प्रवेशी केबल प्रवेश-बक्स में कोई सीलबंदी मिश्र नज़र नहीं आयी।

4. ड्रिल पैनल के साथ लाया गया 5 कोर का लचीले पिछले केबल का एक कटा हुआ टुकड़ा आंशिक रूप से क्षतिग्रस्त पाया गया। लेकिन क्षति, चिगारी रोक डाट के अन्दर थी।

ड्रिल पैनल के परिचालन हेतु इसकी और विस्तृत जांच की गई थी और जांच के फलस्वरूप यह पाया गया था कि—

- (1) काट्टर कुण्डलियों की काम करने की स्थिति अच्छी थी।
- (2) ड्रिल सहित ड्रिल केबल का परीक्षण किया गया और इन्हें सन्तोषजनक पाया गया।
- (3) कृत्रिम भू-धोष पैदा करके भूरिसाव रिले की क्रिया की जांच की गई थी और इसे परिचालन की स्थिति में पाया गया। केबल ट्रिप बार उपयुक्त स्थान पर नहीं पाया गया था।
- (4) आइसोलेटिंग स्विच (3-पोल) 2 पोलो पर बन्द नहीं हो रहा और ऐसा लगता था कि विस्फोट से पहले यह इस हालत में था। आइसोलेटर हैंडल लापता था।
- (5) ड्रिल के माइक्रो-स्विच का परीक्षण किया गया था और इसे परिचालन की अच्छी स्थिति में पाया गया।
- (6) 550 वी० केबल-टर्मिनल बक्स के परीक्षण के फलस्वरूप निम्न प्रकार परिणाम निकले :—

- (क) 3-पोल केबल टर्मिनल रेशा ब्लाक को चार बोल्टों की बजाय केबल दो बोल्टों द्वारा बांधा गया था।
- (ख) काले तट पर काली कालिख की लकीरे नज़र आ रही थी।
- (ग) टर्मिनल ब्लाक बांधने वाले दो बोल्ट-शिरो में से एक बोल्ट मिरा स्पष्टतः सम्मिश्रण और नाप की वजह से विकृत किया गया था।

(घ) कक्ष के प्रान्तरिक फलक पर धमन अवधारण की फुहारों के सुस्पष्ट निशान थे।

(ङ) सम्मिश्रण के कारण, टर्मिनल बांधने वाले तीन पोल के स्टडी में से एक विकृत किया गया था।

(च) प्रवेशी केबल सीस पर सम्मिश्रण के सुस्पष्ट निशान थे।

(छ) टेण्ड लैड ज़रूरत से ज्यादा लम्बे थे।

ज्वाला रोक लक्षणों की मद्देनज़र रखते हुए यह जानने के लिए कि क्या प्रवेशी केबल टर्मिनल बक्स या आइसोलेटर कक्ष के अन्दर की चिगारी भास-पास के वायुमंडल को प्रज्वलित कर सकता है, ड्रिल पैनल को परीक्षणों के अधीन बनाया गया था। परीक्षणों के परिणामस्वरूप यह पता लगाया गया कि प्रवेशी टर्मिनल कक्ष और आइसोलेटर कक्ष दोनों में विद्युत संबंधी चिगारियां भास-पास के बाहरी वायुमंडल के साथ सम्पर्क बनाये हुए थीं और इसे प्रज्वलित कर रही थी।

5.5.6 खान सुरक्षा महानिदेशालय ने अपने तर्क में बताया है कि 1 पश्चिम राइज में गिराव के कारण वायु धमन से यह संभव नहीं है कि छत के निकट मेथेन की बिना टूटी परत मिले, ताकि, जैसा कि प्रबंध ने सुझाया है, पूरब के पार्श्व कार्य-स्थलों की चरम सीमाओं तक प्रज्वलन के बिन्दु से ज्वाला प्रवाहित की जा सके। न्यायालय सहमत है कि यदि वायु धमन होता तो इससे वायु की सामान्य बड़ी में मेथेन का विशिष्ट विस्तार होता।

5.5.7 निश्चित गिराव के वक्षिणी सिरे पर मिले शरीरों पर जलन के घाव थे। इस बारे में ऐसा कोई विश्वासप्रद स्पष्टीकरण नहीं दिया गया कि 1 पश्चिम राइज में गिराव द्वारा और पूरब की ओर जाने वाली लपट से हुआ विस्फोट इन शरीरों पर कैसे जलन के घाव पैदा कर सकता था विशेषकर जब कि विवादास्पद राइज का दक्षिणी हिस्सा गिराव द्वारा लगभग पूरी तरह प्रवृद्ध हो चुका था। दूसरी ओर विवादास्पद ड्रिल पैनल के पास मिले तीन बिजली मिश्रियों और एक सहायक के शरीरों पर जलन के तीक्ष्ण घावों से पता लगता है कि प्रज्वलन का स्रोत ड्रिल पैनल में था।

5.5.8 इस प्रकार सभी उपलब्ध प्रमाणों की जांच के बाद न्यायालय यह निष्कर्ष निकालता है कि 1 पश्चिम राइज में गिराव की वजह से विस्फोट के कारण की अपेक्षा विस्फोट का परिणाम होना अधिक सम्भाव्य है।

5.5.9 जैसा कि मैंने पहले बताया है मुख्य सवातन पंखा 20.10 घंटे अर्थात् विस्फोट के बाद पुनः चलाया गया था। यह प्रमाणित करने के लिए प्रमाण मौजूद है कि पंखा पुनः चलाने के लिए कितने निर्णय किया। यूनियनों की ओर से तर्क किया गया है कि मुख्य सवातन पंखा इस अवस्था पर पुनः चलाया नहीं जाना चाहिए था और यदि यह न चलाया जाता तो शायद बहुतों की जानें बच भी जा सकती थी। दूसरी ओर खान सुरक्षा महानिदेशालय की ओर से गवाह की यह राय थी कि पंखे का पुनः चलाना लाभदायक था और यदि इसे थोड़ी देर और पहले चला दिया गया होता तो इससे शायद कुछ और जाने बचाई जा सकती थी।

विस्फोट के बाद की भूमिगत स्थितियों ने प्रकट किया कि जे०3 शाफ्ट सार पर विस्फोट ने वायुबन्ध दरवाजे जबरबस्ती खोल दिए थे। इन दरवाजों के खुले होने से मुख्य सवातन पंखे द्वारा संचालित की गई वायु से रुकावट हुई और यह तुरन्त जल प्रवेश स्थान से रिटर्न शाफ्ट में गई। इसका परिणाम यह हुआ कि ऊपरी पूरव तथा (जे०3 पूरव) की वायु तानिकर गैस से कुछ सीमा तक मुक्त हो गई। अतः मेरी राय है कि विस्फोट के बाद ओ परिस्थितियां थीं उनमें मुख्य सवातन पंखे के स्विच

खोलने का लाभकारी प्रभाव पड़ा जैसा कि खान सुरक्षा मंत्रालय की ओर से दावा किया गया। तथापि, यदि परिस्थितियाँ भिन्न होती तो पंखे के स्थिर खोलने का प्रतिकूल प्रभाव पड़ना जैसा कि यूनियनों ने तर्क किया है। इस प्रकार के विस्फोट के तुरन्त बाद पंखे के स्थिर खोलने या न खोलने का निर्णय करना एक कठिन कार्य है और यह निर्णय किसी जिम्मेदार अधिकारी द्वारा भूमिगत स्थितियों के बारे में तत्काल उपलब्ध जैसी भी सूचना होगी का ध्यान रखते हुए किया जाना चाहिए।

#### निष्कर्षों का संक्षिप्त विवरण

6.1. पहली पारी में तीन घण्टे तक और दूसरी पारी में फिर लगातार छः घण्टे के लम्बे समय तक मुख्य संवातन पंखे के रोकने के कार्य के कारण और खान की पूर्णता तथा इस तथ्य के कारण से कि कई शीर्षों ने बांध को स्पर्श किया जिससे पर्याप्त गैस का निर्गमन हुआ है, इसमें कोई संदेह प्रतीत नहीं होता कि गैस का संवातन हुआ था।

6.2 14 सीम कार्यों में अनेक सहायक सवातकों के चलने ने विशेष रूप से जब मुख्य संवातन पंखा बन्द था, पुनः संचार के द्वारा गैस का एक समान विस्फोटक मिश्रण बनाकर स्थितियों को बल दिया।

इससे विस्फोट का खतरा उत्पन्न हुआ।

6.3. संचित गम प्रज्वलित हुई थी।

6.4. एल०2 पैनल के मिश्रण द्वार में एक ड्रिल पैनल एकक मिलने, जिसका मुख्य आवरण खुला हुआ था के, तथा ड्रिल पैनल के निकट 3 बिजली मिश्रितियों और एक सहायक के शरीर भी मिलने के प्रमाण के प्रकाश में यह निष्कर्ष निकाला जा सकता है कि ड्रिल पैनल एकक पर कुछ काम किया जा रहा था। ड्रिल पैनल पर बाढ़ की जानों ने इस बात की पुष्टि कर दी है कि बिना यह सुनिश्चित, किये कि निवेश पार्श्व पर किसी अन्य स्थान पर शक्ति की गलती अवग हो गई थी, ड्रिल पैनल एकक पर काम किया जा रहा था। ड्रिल पैनल में यांत्रिक पृथक कर्ता जो कि लापता कि अनुपस्थिति के कारण ड्रिल पैनल पर शक्ति को अवग करने के बन्ध से प्रभावहीन बना दिए गए थे। इस प्रकार किसी विद्युत उपकरण तथा तड़ित पैनल एकक के आसपास के वायुमंडल को जिसमें गैस का संघनन शामिल था, प्रज्वलित करने की किसी चिनगारी की संभावना उत्पन्न हुई।

6.5 इस प्रकार 18 मार्च, 1973 को लगभग 20.00 घण्टे पर मेथेन विस्फोट हुआ।

6.6. यद्यपि खान के निरीक्षण के समय कुछ स्थानों पर आंशिक पपड़ियाँ कोयले के निशान मिले थे जो संकेत करते हैं कि कोयला धूलि ने कुछ भाग लिया था तथापि मेरा विश्वास है कि कोयला धूलि का योगदान बहुत सीमित था।

6.7. विस्फोट अचछी खासी प्रचण्डता वाला था जिसके कारण छत टेको का निष्कासन हुआ, बैस्ट वाहन संरचनाओं का विस्थापन हुआ, मशीनरी स्थितिगिरो, आदि की स्थिति पर प्रभाव पड़ा और कुछ स्थितियों में इसका प्रभाव अचछी खासी दूरी पर पड़ा।

6.8. विस्फोट ट्रेक के निष्कासन और कम्पनों के कारण खान में सुविस्तृत छत गिराव का भी कारण बना। 1 पश्चिम राइज में 3 फास्ट राइज स्तर और 5 फास्ट स्तर के बीच छत के गिराव का कारण इस गैसरी के माध-साथ चलने वाले विस्फोट के बल के परिणामस्वरूप आयात-कार इस्पात की छत टेको का निष्कासन प्रतीत होता है।

#### VII. नियमों और विनियमों के उल्लंघन

7.1 कोयला खान विनियम, 1957

7.1.1 विनियम 133 (2) में व्यवस्था है कि :—

“प्रत्येक यांत्रिक संस्थापन और अनुस्क्षण के कार्य का संवातन के पर्यवेक्षण और नियंत्रण इस प्रयोजन के लिये नियुक्त किये गये किसी सक्षम व्यक्ति द्वारा किया जायेगा, और मिश्रण संकटकाल में प्रबन्धक के प्राधिकार द्वारा या उसकी ओर से अन्य प्राधिकृत अधिकारी के सिवाय कोई व्यक्ति ऐसे किसी संवातक को न चलाएगा, न रोकेंगा, न हटायेगा या किसी प्रकार बदलेगा, न मरम्मत या हस्तक्षेप करेगा। प्रत्येक ऐसे रोक या ऐसे अवल बदल के व्योरे अवधि सहित इस प्रयोजन के लिए रखी गई जिल्दबन्धी पृष्ठांकित किताब में लिखे जाएंगे।

इस घटना में मुख्य खान पंखा दूसरी बार 14.10 घण्टे पर प्रबन्धक की बिना किसी आज्ञा के बन्द कर दिया गया था और इस प्रकार इस विनियम के उपबन्धों का उल्लंघन किया गया।

7.1.2. विनियम 134 के अधीन स्थायी आदेश जो कि खान के प्रबंधक द्वारा जारी किए जाने अपेक्षित है, व्यवस्था करते हैं कि “एक घण्टे से ज्यादा समय के लिए मुख्य खान पंखे के बन्द रहने की हालत में आवश्यक और अविलम्बनीय काम में लगे व्यक्तियों को छोड़कर सभी व्यक्ति खान से हटा लिए जाएंगे, यह भी कि इंजीनियर जमीन के नीचे के सभी उपकरणों से विद्युद्द्वारा कटवाने की व्यवस्था करेंगे, मुख्य जल प्रवेश स्थान में लगाये गये उपकरणों या निकटतम कार्य स्थल से 270 एम० से ज्यादा दूर के नहीं, को छोड़ दिया जायेगा”। इस वृष्टांत में इन आवश्यकताओं में से किसी का भी पालन नहीं किया गया।

7.1.3. विनियम 137 (1) में व्यवस्था है कि

“प्रत्येक नशायक पंखा-

(क) दूर छग से लगाया जायेगा, रखा जायेगा और तुर काम करेगा कि :-

(i) हर समय पर्याप्त मात्रा में वायु इसके पाग पहुँचने तक यह सुनिश्चित किया जाए कि यह वायु को पुनः संचालित नहीं करता; और

(ii) जो वायु यह संचारित करे उससे इस खान का खतरा नहीं कि यह किसी पर्याप्त मात्रा की ज्वलनशील या हानिकारक गैसों या धूल से दूषित है।

इस मामले में पहली व्यवस्था का उल्लंघन मुख्य खान पंखे को रोककर किया गया है तथा दूसरी का गहायक पंखों का लगातार चलाये रखने में किया गया जो शीर्षों से, जिन्हें वे हवा देते हैं, छोड़ी गई ज्वलनशील गैस पुनः संचारित कर रहे थे।

7.1.1. विनियम 140 (4) में व्यवस्था है कि :-

“किसी यांत्रिक पंखे के रुक जाने से, जिसमें कि जमीन के नीचे लगा सहायक पंखा शामिल है, जब कभी वायु संचारण में कोई बाधा हो, खान या हिस्से का कार्याभारी अधिकारी तुरन्त एह्तियाती उपाय करेगा जिसमें खान या हिस्से में वायुसंचारण पुनः स्थापित करने के विनियम 130 की व्यवस्थाओं के पालन न करने से पैदा हो सकने वाले खतरों के विरुद्ध सार्थ आवश्यक हो, आदमियों का वापस बुलाना शामिल है।



विनियम 130 में व्यवस्था है कि हर समय वायु-संचारण के कुछ स्तर बनाए रखे जाएं। हम विशेष मामले में न आदमी हो वापिस बुलाए गए थे और न ही विनियम 130 के अधीन वायु-संचारण के स्तरों की जो व्यवस्था है उसे ही लागू करने की कोशिश की गई थी।

## 7.2. भारतीय विद्युत् नियम, 1956

7.2.1. भारतीय विद्युत् नियम, 1956 के नियम 126 में व्यवस्था है कि निम्नलिखित हालत में विद्युत् काट देनी चाहिए:—

- “(i) उस अवधि के दौरान जो उस उपकरण की जाँच या समजन के लिए आवश्यक है जो किसी भाग के खुला छोड़ने को आवश्यक बनाएगा जो स्फुलिंग के अधीन हो।
- (ii) यदि खान के किसी हिस्से में वायु की सामान्य बाँड़ी में किसी भी समय ज्वलनशील गैस का प्रतिशत वर्तमान एक और एक-चौथाई भाग से अधिक पाया जाय।

सप्ताह का नियोजन और पुनः संयोजन लागू-पत्र में नोट किया जाएगा और निरीक्षक को बताया जाएगा।”

इसका पालन नहीं किया गया था।

7.2.2. नियम 122 (3) (दो) में अनुबन्ध है कि केबल के सिरे पर कुशलता से मोहर लगानी चाहिए ताकि इसके विद्युत् रोधन गुणों की कमी को रोका जाय।

कुछ मामलों में जिनका निरीक्षण किया गया था, केवल टर्मिनल बक्सों को केवल मिश्र से भरा हुआ नहीं पाया गया था और इस प्रकार उपर्युक्त नियम के अधीन व्यवस्थाओं का उल्लंघन किया गया।

## 7.2.3. खान अधिनियम 1952 और उम के अधीन बनाए गए नियम

खान अधिनियम 1952 की धारा 48 की उप-धारा (4) और (5) में व्यवस्था है कि:—

“प्रत्येक खान के लिए, ऐसी खान को छोड़कर जिसे केन्द्रीय सरकार द्वारा सामान्य या विशेष आदेश द्वारा छूट दी जाती है, जिसके लिए विशेष कारण लेखबद्ध किये जायेंगे निर्धारित फार्म और रचान में अलग रजिस्टर रखे जायेंगे जिनमें जमीन के नीचे खान में नियुक्त प्रत्येक व्यक्ति के संबंध में निम्नलिखित व्योरे दिखाये जाएंगे:—

- (i) कर्मचारी का नाम
- (ii) उसके राजगार की श्रेणी और प्रकार
- (iii) जहाँ काम रिपे की पद्धति द्वारा किया जाता हो तो पारी जिससे यह संबंधित है और पारी के घटे।”

हममें यह भी व्यवस्था है कि जमीन के नीचे नियुक्त व्यक्तियों के रजिस्ट्रों में खान में जमीन के नीचे उन समय उपस्थित प्रत्येक व्यक्ति के नाम का हर समय उल्लेख होगा। संबंधित नियम में रजिस्टर का फार्म निर्धारित है, जो फार्म सी० के रूप में निर्दिष्ट किया गया है तथा इस बात का भी निर्धारण है कि रजिस्टर कहाँ रखा जाना चाहिए।

हम रिपोर्ट के पैरा 4.2.11 में भी नोट किया है कि ठेकदारों के 1 (चार) श्रमिकों को जो कि वास्तव में 14 सीम के नीचे गये थे, फार्म सी रजिस्टर पर नहीं दिखाया गया। यह ऊपर निर्दिष्ट खान अधिनियम की धारा और उसके अन्तर्गत बताए गये नियम का उल्लंघन करना है।”

## 8. प्रबंध तंत्र का उत्तरदायित्व

### 8.1 खान के प्रबंधक सामान्य मानक

अन्य संगठन की तरह किसी खान का प्रबंध भी न केवल आदमियों की संख्या और उम्र सामग्री के मानक जिनका वह प्रयोग करता है, पर

ही निर्भर करता है, बल्कि नेतृत्व और समन्वय की कुछ अगोचर व्यवस्थाओं पर भी निर्भर करता है। आदमियों और मशीनरी को ध्यान में रखते हुए इस कालरी में व्यवस्थाये संतोषजनक है जैसा कि प्रमाण निम्न-तथ्यों से मिलता है:—

- (i) खान में विभिन्न कार्यों की देखभाल के लिए पर्याप्त संख्या में योग्यताप्राप्त इंजीनियरी कर्मचारी-धर्म की व्यवस्था है।
- (ii) मशीनरी अच्छे स्तर की है और इसका अनुरक्षण भली प्रकार से किया जाता है।
- (iii) एक बड़े मुख्य खान सवालक की व्यवस्था द्वारा सामान्य परिस्थितियों में कार्य-स्थलों में पर्याप्त वायु-संचार के लिए प्रबंध किए गए हैं। जहाँ आवश्यक है वहाँ शीशों में वायु-संचार के लिए सहायक पंखों की भी व्यवस्था की गई है।
- (iv) जमीन में नीचे के कार्य-स्थलों के विभिन्न भागों में पत्थर धूल के अवरोधों को पर्याप्त संख्या में व्यवस्था की गई है। वस्तुतः इन्हीं पत्थर धूल के अवरोधों ने ही जिन समय कि बिस्फोट हुआ अग्नि और उपद्रव की मात्रा को परिसीमित किया।
- (v) सड़क पथों में इग्नार सेटों और आकां द्वारा आलम्बन की आधुनिक प्रणालियों और फंग पर फिशन प्रोपों की व्यवस्था की गई है।

8.2. तथापि कालरी संगठन ने सुचारु रूप में कार्य नहीं किया और विभिन्न विभागों के विभिन्न स्तर के कर्मचारियों के बीच समन्वय और संचार की कमी से बहुत कुछ जो होना चाहिए था न हो सका। दुर्घटना वाले दिन के पहले ही यह स्पष्ट था कि खान कर्मचारियों और इंजीनियरी कर्मचारियों के बीच पर्याप्त संपर्क नहीं है। यद्यपि केवल फिक्म करने और नीचा करने की योजना बरिष्ठ इंजीनियर और उसके कर्म-चारियों ने बनाई थी जिसकी जानकारी श्री घदवाल, एजेंट और उसके कुछ अधिकारियों की थी, तथापि यह स्पष्ट था कि योजना और व्योरे और इसके कार्यान्वयन के तरीके के बारे में सूचना खान के कनिष्ठ कर्म-चारियों तक नहीं पहुँची। उस समय भी जब कि काम वास्तविक रूप में शुरू किया गया था, खान कर्मचारियों को स्पष्ट जानकारी नहीं थी कि पछा कितनी देर तक बन्द रखना पड़ेगा। वास्तव में, यदि उन पर विश्वास किया जाय, उन्हें यह भी मालूम नहीं था कि पछा वास्तव में बन्द किया गया था और, यदि हा, तो किसने बन्द किया था। संचार न केवल एक विभाग से दूसरे विभाग के बीच अपितु विभाग के अन्दर भी क्षीण था।

8.3. प्रतिष्ठान में सुरक्षा उपायों के प्रति आत्मसन्तोष की भावना का न केवल अज्ञानक बिस्फोटन के दिन, अपितु काफी समय से, विकास हुआ और उच्च नेतृत्व इस प्रवृत्ति को पनटने के लिए काफी प्रभावशाली नहीं था। पत्र के रजिस्टर, जो कि पृष्ठपाठ (ई एम् टी 1) के दौरान प्रस्तुत किया गया, के निरीक्षण ने प्रतीत होता है कि 1 जनवरी, 1973 से, अर्थात् घटना की तारीख के तीन महीनों से बग अवधि के दौरान मुख्य संवापन पंखा रविवार को प्रत्येक समय एक घंटे से अधिक चार अवसरों पर अनुक्षण प्रयोजन हेतु और एक अवसर पर बिजली बन्द हो जाने के कारण बन्द रहा। इनके अतिरिक्त, यह इस अवधि के दौरान बिजली बन्द हो जाने के कारण प्रत्येक बार एक घंटे से अधिक सप्ताह में दो बार बन्द रहा।

ऐसा कोई संकेत नहीं मिलता है कि इनमें से किसी अवसर पर, एक अवसर को छोड़ कर, भूमि के नीचे से व्यक्तियों को बाहर निकालने का प्रयास किया गया हो। विनियम 114, 119 और 142 के अधीन

बापसी रिपोर्टों का रजिस्टर जिसे खान सुरक्षा महानिदेशालय द्वारा जस्ट कर लिया गया था और इन दिनों में से किसी दिन को भी बापसी नहीं दर्शाता है। केवल 28-2-73 को अवर/सहायक प्रबन्धक की डायरी में सुरक्षा अधिकारी द्वारा रिकार्ड है कि उसने बार बार बिजली बन्द हो जाने के कारण भूमि के नीचे के पंखों को बन्द करने और व्यक्तियों की बापसी की व्यवस्था की थी। यह शंका करना युक्तियुक्त है कि इन सभी अवसरों पर, संदर्भित एक अवसर को छोड़कर, भूमि के नीचे कार्य कर रहे व्यक्तियों की बापसी के लिए कुछ नहीं किया गया। सौभाग्यवश इन अवसरों पर कोई दुर्घटना नहीं हुई किन्तु हमने कोई शक नहीं कि इन ध्वजों ने, चाहे भज्जरी द्वारा या इच्छा द्वारा हुए न केवल आत्मसन्तोष की भावना उत्पन्न की अपितु ऐसा कहिए कि आवश्यक औपचारिकता तथा आवश्यक सतर्कताओं को अपनाए बिना ही मुख्य पक्ष को बन्द कर देने की एक परम्परा बना दी। ऐसी नीसीय खान जोकि अपेक्षाकृत अत्यन्त धनीकृत है तथा जिसमें, विशेषकर, प्रत्यागमन पार्थ पर बिजली के उपकरण लगे हैं, में इस प्रकार का व्यवहार वास्तव में खतरनाक था।

8.4. बताई गई संगठनात्मक त्रुटियों की जिम्मेदारी खान संगठन के प्रधान अर्थात् मुख्य खनन अभियन्ता को स्वीकार करनी चाहिए। यद्यपि, श्री वर्मा के लिए, उनके अधीन सभी कोयला खानों के दिन प्रतिदिन के प्रशासन से निरन्तर सम्पर्क बनाए रखना सम्भव नहीं हो सका हो, सम्भव और संसूचन की कमी जैसी संगठनात्मक त्रुटियों को दूर करना वास्तव में उन्हीं का कार्य था। वे विशेष रूप से खतरनाक व्यवहार की जिम्मेदारी से नहीं बच सकते हैं जिससे कारण संबंधित विनियमों द्वारा निर्धारित अपेक्षाकृत को पूरा किए बिना, एक समय में एक घंटे से अधिक समय तक मुख्य सवातन पंखा बंद रखने को बढ़ावा मिला। मुख्य खान अभियन्ता होने के नाते उन्हें इस व्यवहार पर ध्यान देना चाहिए था और इसे समाप्त करना चाहिए था।

### 8.5. घटना के दिन प्रबंधकों की चूक

8.5.1. पूर्ववर्ती भाग में, मैंने परिस्थितियों का वर्णन किया है जिनमें घटना घटी और नियमों तथा विनियमों के उल्लंघनों को बताया है कि जोकि प्रक्रिया में किए गए थे। इस भाग में कुछ पुनरावृत्ति हो जाने का डर होने हुए भी मैं इन परिस्थितियों का संबंध प्रबंधकों की विशिष्ट चूकों के साथ बताना चाहता हूं।

8.5.2. 18 मार्च, 1973, घटना वाले दिन, को यह मान लिया गया है कि मुख्य सवातन पंखा 10.30 बजे पूर्वाह्न में बन्द किया गया था और तीन घंटे बाद डेढ़ बजे अपराह्न में पुनः चालू किया गया। 40 मिनट पंखा चलने के बाद, इसे फिर दो बज कर 10 मिनट अपराह्न में पुनः बन्द कर दिया गया। यद्यपि न्यायालय द्वारा जांच किए गए सभी प्रबंधकीय अधिकारियों ने व्यक्तिगत जानकारी से इन्कार किया कि बन्द करने की आज्ञा किसने दी, और वास्तव में क्या पंखा बन्द भी किया गया था। तथापि, श्री घादवाल एजेंट ने स्वीकार किया कि सांग-बुक के रिकार्ड को मान लेना चाहिए। यह रिकार्ड दर्शाता है कि पंखा 8.10 अपराह्न (20.10 घंटे) तक बन्द था यद्यपि इस पर पुनः 6.10 लिख दिया गया था। अतः श्री घादवाल निश्चयी नहीं थे कि क्या पंखा 8 बजकर 10 मिनट अपराह्न तक या केवल 6 बज कर 10 मि० अपराह्न तक बन्द था, किन्तु मैं यह समझता हूँ कि पहले वाला समय अर्थात् 8 बजकर 10 मि० अपराह्न सही है। मेरे विचार में काट कर लिखना किसी व्यक्ति का चूक के प्रमाण को कम करने का बड़ा प्रयास था।

8.5.3. जब कि पंखा इस प्रकार प्रातः तीन घंटे और दोपहर बाद फिर 6 घंटे बन्द था, कार्यकारी प्रबंधक को केवल यह सूचना दी गई

थी कि पंखा डेढ़ घंटे के लिए बन्द किया जाएगा। पक्ष के लगातार बन्द रहने के लिए उससे या सहायक प्रबंधकों में से किसी से और आगे अनुमति नहीं ली गई थी। यह भी साक्ष्य में है कि पहली पारी के व्यक्ति जो कि भूमि के नीचे 8 बजे पूर्वाह्न से चार बजे अपराह्न तक कार्य कर रहे थे, बाहर नहीं निकाले गए। इसके अतिरिक्त दूसरी पारी जो चार बजे अपराह्न पर आरम्भ हुई ने भी काम किया और इस पारी में मरम्मत कार्यों के अनुरक्षण के लिए व्यक्ति भूमि के नीचे भेजे गए थे।

8.5.4. प्रबंधकों की और आगे चूक यह भी थी कि पक्ष के लगातार बन्द किए जाने के बाद भी, बिजली को नियोजित नहीं किया गया जैसा कि किया जाना चाहिए था, जब कि, मुख्य सवातन पंखा बन्द होने पर स्थायी आदेशों के अधीन ऐसा वियोजन करना कानून के अनुसार आवश्यक है।

8.5.5. जब कि ये प्रबंधकों की विशिष्ट चूकें हैं, तो भी दुर्घटना वाले दिन के अपराह्न में क्या घटना घटी से संबंधित बहुत सी बातों को स्पष्ट नहीं किया गया है। न्यायालय में उपस्थित हुए किसी अधिकारी ने और न ही डी०जी०एम०एस० के मामले प्रमाण शायद बन्द करना पड़ेगा, एक उच्च स्थानीय अधिकारी होने के नाते उन्हें इससे सचेत होना चाहिए था और उन्हें यह देख लेना चाहिए था कि कार्य होने के समय कोयला खान प्रबंधक या जिम्मेदार सहायक प्रबंधक खान की सुरक्षा सुनिश्चित कराने हेतु उपस्थित रहे। यह स्पष्ट है कि उन्होंने ऐसा नहीं किया। कार्यकारी प्रबंधक श्री चौधरी, थोड़े समय के निरीक्षण के पश्चात् वहां से बिल्कुल ही स्टेसन छोड़कर चले गये, और यदि न्यायालय में इसके बाद में आने वाले वरिष्ठतम सहायक प्रबंधक श्री ओहरी के ध्यान पर विश्वास किया जाये, तो श्री चौधरी ने रविवार अपराह्न को उन्हें कोई जिम्मेदारी नहीं सौंपी थी। श्री घादवाल स्वयं अपने बंगले में रहे और उन्होंने प्रश्नगत दिन को खान में क्या किया जा रहा था, से सम्पर्क स्थापित करने का कोई प्रयास नहीं किया। उन्होंने अपने ध्यान में भी यह नहीं कहा है कि उन्होंने खान की जिम्मेदारी प्रबंधक या सहायक प्रबंधक पर छोड़ दी थी। जब कि कार्यकारी प्रबंधक श्री चौधरी, ने न्यायालय के समक्ष कहा है कि वह अपराह्न में कोयला खान से चले गए थे और जब बाद में सहायक प्रबंधक श्री ओहरी ने कहा कि वे उस अपराह्न का कार्य पर नहीं थे, श्री घादवाल ने प्रबंधकों की ओर से न्यायालय में वरिष्ठ अधिकारी के रूप में उपस्थित होने पर यह मत प्रकट नहीं किया है कि इनमें से किसी ने अनुसरदायी ढंग से कार्य किया था या वे गम्भीर चूक के लिए दोषी थे। निष्कर्ष अप्रतिरोध है कि उनके अनुभव के बावजूद और मुख्य सवातन पंखा बन्द होने की सम्भावना का ज्ञान रखते हुए, वे प्रारम्भिक सतर्कताये अपनाने में असफल रहे जो कि उनकी हैमियत में होने वाले एक अधिकारी को, कम से कम एक और जिम्मेदार अधिकारी को निरीक्षण की विशिष्ट ड्यूटी लगाकर या स्वयं कम से कम अपने प्रस्तुत करने वाले किसी अधिकारी ने व्यक्तिगत रूप से इस जानकारी को स्वीकार किया कि कब और किसके आदेशों से मुख्य सवातन पंखा अपराह्न में बन्द किया गया था। कार्यकारी कोयला खान प्रबंधक डेढ़ बजे अपराह्न के पश्चात् बिल्कुल भी कोयला खान में नहीं थे और वरिष्ठ सहायक प्रबंधक, श्री ओ० पी० ओहरी जिन्हें उन्होंने उधरे रहने के लिए कहा था, ने इस जानकारी से इन्कार कर दिया कि क्या पंखा कार्य कर रहा था या नहीं कर रहा था। एजेंट श्री घादवाल द्वारा बताए गए व्यक्ति का नाम, जिसने अपराह्न में पंखा बन्द करने का आदेश दिया, गोपाल मिस्त्री था, जो लांहार प्रतीत होता है। यह नहीं बताया गया कि किस प्रकार इंजीनियरी पक्ष और खनन पक्ष दोनों में पदानुक्रम पर्यवेक्षी अधिकारियों के होते हुए, यह एक ग्राधारण श्रमिक था, और वहां भी एक लोहार और है न कि खानिक जिम्मे पक्ष को बंद करने के आदेश देने की जिम्मेदारी अपने पर ली है। पुनः इनमें से किसी

भी अधिकारी चाहे इंजीनियर अथवा खनन पक्ष के हो, ने ऐसा विचार करने का दावा नहीं किया कि क्या इन परिस्थितियों में, व्यक्तियों को भूमि के नीचे काम करने के लिए अनुमति दी जानी चाहिए। जबकि किसी भी अधिकारी ने व्यक्तियों को भूमि के नीचे जाने के लिए विवश अथवा राजी करने की स्वीकार नहीं किया है, किसी ने भी यह नहीं बताया है कि यह उसका सोच समझ कर किया गया फैसला था कि भूमि के नीचे काम कर रहे व्यक्तियों के लिए कोई गम्भीर खतरा नहीं था और इसलिए, उन्होंने उन्हें ऐसा करने के लिए अनुमति दी। यह भी नहीं बताया गया कि इस मामले में निर्णय लेने की किमकी जिम्मेदारी थी।

8.5.6. न्यायालय में उपस्थित हुए, एजेंट से लेकर ओवर मैन तक के, अधिकारियों द्वारा प्रस्तुत तम्बीर इस प्रकार अस्थाई थी किन्तु रविवार 18 मार्च, 1973 के अपराह्न के दौरान प्रबन्ध की विफलता की पूर्ण तम्बीर थी। उस अपराह्न को खान का प्रभारी होना किसी ने भी स्वीकार नहीं किया और किसी ने भी यह ध्यान नहीं दिया कि मुख्य संवातन पंखा प्रातः 3 घंटे बन्द रहने के बाद 2 बजकर 10 मि० अपराह्न पर पुनः बन्द कर दिया गया था। किसी ने भी इस महत्वपूर्ण प्रश्न पर विचार नहीं किया कि क्या इन परिस्थितियों में दूसरी पारी में व्यक्तियों को नीचे भेजना सुरक्षारमक था। किसी ने भी बिजली के वियोजन करने का विचार नहीं किया। सबसे बुरी बात यह है कि किसी ने भी यह स्वीकार नहीं किया कि इनमें से किसी कार्य को करने की उसकी जिम्मेदारी थी। और यद्यपि मुख्य संवातन पंखा अपराह्न में 8 घंटे लगातार बन्द था, भूमि के नीचे बिजली का वियोजन नहीं किया गया, और 16.00 घंटों के बाद दूसरी पारी के लिए व्यक्ति नीचे भेजे गए। सम्भवतः यह स्थिति अधिकारियों द्वारा व्यक्तिगत या सामूहिक रूप से व्यक्तिगत जिम्मेदारी में बचने के लिए सृजित की गई है किन्तु प्रबन्धको ने उस अपराह्न को घटी घटना की वैकल्पिक स्थिति प्रस्तुत नहीं की है। उस मौके के लिए प्रबन्धको ने क्या व्यवस्था की थी और अधिकारियों तथा पर्यवेक्षी कर्मचारियों में कौन अपनी जिम्मेदारी निभाने में असफल रहा।

#### 8.6. वैयक्तिक जिम्मेदारी

8.6.1. दो उच्चतम स्थानीय अधिकारी, श्री धादवाल, एजेंट और वरिष्ठ इंजीनियर, श्री टी० सी० लहरी थे। श्री धादवाल ने अपने ध्यान में कहा है कि वह इस तथ्य से अवगत थे कि प्रश्नगत रविवार को केवल नीचे किये जायेगे और शीफ्ट में लगाये जायेगे, और श्री लहरी ने कहा है कि उन्होंने इस पर धादवाल तथा कार्यकारी प्रबन्धक से विचार विमर्श किया है। श्री धादवाल किसी भी प्रकार इस तथ्य से अनभिग्न नहीं हो सकते कि केवल लगाने के लिए अपनाये जाने वाले प्रस्तावित तरीके को ध्यान में रखते हुए, कार्य करते समय पंखे को घर से खान से संपर्क स्थापित करके, करनी चाहिए थी।

8.6.2. श्री टी० सी० लहरी ने न्यायालय के समक्ष अपने ध्यान में लाया किया है कि वे वरिष्ठ इंजीनियर थे जिनसे महत्वपूर्ण मामलों में मरामत किया जाता था, किन्तु वे विविध प्रकार के कार्य हेतु सामान्यतः जिम्मेदारी नहीं लेते थे। तथापि, इस मामले में, उन्होंने स्वीकार किया है कि केवल को नीचे करने के कार्य की योजना उन्होंने तैयार की थी यह भी ध्यान में है कि कोयला खान इंजीनियर, श्री के० एन० सिंह अपने पद का कार्यभार छोड़ने ही वाले थे, और इसलिए, वे इस कार्य से सक्रिय रूप से सम्बद्ध नहीं थे। बहरहाल श्री लहरी ने यह नहीं कहा है कि श्री के० एन० सिंह को यह कार्य सौंपा गया था। इसलिए श्री लहरी-वरिष्ठ स्तर की निरीक्षण की जिम्मेदारी से बच नहीं सकते हैं।

कार्य की यही योजना में समय-सारिणी को तैयार करना भी सम्मिलित होगा जिनमें अवधियां दर्शाई गई होंगी जिनके दौरान कार्य करना

होगा और ऐसी अवधियां यदि कोई हों, बताई गई होंगी जब मुख्य संवातन पंखा बन्द करना होगा। इस प्रकार की समय-बद्ध याजमा तैयार की जानी चाहिए थी, और प्रबन्धक या एजेंट की महमति प्राप्त कर लेनी चाहिए थी, किन्तु इस प्रकार की कोई समय-सारिणी तैयार नहीं की गई थी और नहीं प्रबन्धक की सहमति प्राप्त की गई थी। यह साध्य में है, और इससे किसी ने इन्कार भी नहीं किया है, कि कार्यकारी प्रबन्धक से कम यही बताया गया कि मुख्य संवातन पंखा डेढ़ घंटे प्रादि के लिए बन्द किया जाएगा। यदि श्री लहरी कार्यान्वयन को छोड़कर केवल योजना के लिए ही जिम्मेदार थे तो भी स्पष्टतः योजना असफल थी तथापि मेरा विश्वास है कि किसी वरिष्ठ इंजीनियर की अनुपस्थिति में श्री लहरी को कार्यान्वयन की जिम्मेदारी भी अवश्य स्वीकार करनी चाहिए। इस संबंध में उसका दोष और भी अधिक गंभीर है। कार्यकारी प्रबन्धक से लगभग डेढ़ घंटे के लिए पंखा बन्द करने की अनुमति लेकर श्री लहरी को इस बात पर ध्यान देना चाहिए था कि मुख्य संवातन पंखा सुबह के दौरान ही तीन घंटे के लिए डेढ़ बजे अपराह्न तक बन्द किया गया था। उन्हें स्वयं सुनिश्चित कर लेना चाहिए था कि पंखा और आगे बन्द नहीं रहे या यदि थोड़ा अपरिहार्य था तो उन्हें मामला प्रबन्धक के ध्यान में लाना चाहिए था। यदि प्रबन्धक उस समय उपलब्ध नहीं थे तो उन्हें एजेंट से सम्पर्क स्थापित करने के लिए किसी ने नहीं रोका था। उन्होंने इनमें से कोई भी कार्य नहीं किया।

8.6.3. श्री के० एल० लूथरा, वरिष्ठ प्रबंधक घटना वाले दिन छुट्टी पर थे। इसलिए, उस दिन उसकी कोई विशेष जिम्मेदारी नहीं थी। तथापि मैंने नोट किया है कि पूर्ववर्ती तीन महीनों के दौरान, पंखा पांच अवसरों पर एक घंटे से अधिक समय के लिए भूमि के नीचे से व्यक्तियों को बाहर निकाले बिना ही बन्द रहा था। जैसा कि मैंने कहा है, इससे आत्मसन्तोष की भावना प्रोत्साहित हुई। इसके लिए, श्री लूथरा को, प्रबंधक होने के नाते, जिम्मेदारी स्वीकार करनी चाहिए। इसी प्रकार श्री धादवाल, खान का एजेंट होने के कारण और जैसा कि मैंने पहले कहा है, मुख्य खनन इंजीनियर, श्री वर्मा को भी जिम्मेदारी स्वीकार करनी चाहिए।

8.6.4. श्री आर० के० चौधरी प्रश्नगत दिन खान के कार्यकारी प्रबंधक थे। उन्होंने स्वीकार किया है कि उन्होंने प्रातः खान का दौरा किया था और डेढ़ बजे अपराह्न या शीघ्र ही चले गए, जब कि पंखा चलाया गया था। तथापि, वे इस बात को ध्यान में रखने में असफल रहे कि जो आश्वासन उन्हें दिया गया बताया गया है कि पंखा केवल लगभग डेढ़ घंटे के लिए बंद किया जायेगा, उसके विपरीत वह पहले ही 3 घंटे के लिए साढ़े दस बजे पूर्वाह्न से लेकर डेढ़ बजे अपराह्न तक बंद किया गया था। उन्होंने आश्वासन नहीं लिया कि पंखा पुनः बन्द नहीं किया जाएगा, और श्री ओ० पी० मोहरी को खान पर रहने के लिए कहने के बजाय उन्होंने किसी सहायक प्रबंधक को जिम्मेदारी नहीं सौंपी कि वह यह सुनिश्चित करे कि पंखा आगे कितने भी समय के लिए बन्द नहीं किया जाएगा या यदि इसे बन्द करना पड़े तो भूमि के नीचे से व्यक्तियों की निकासी करवाये। श्री चौधरी बिना कोई ठोस व्यवस्था किए अपराह्न में खान छोड़कर निश्चिन्त थे। यह वास्तव में एक उनकी गंभीर चूक थी।

8.6.5. दूसरे वरिष्ठतम सहायक प्रबंधक, श्री ओ० पी० मोहरी जांच के समय विवश दिखाई दिए। पूछताछ के दौरान उन्होंने डी० जी० एम० एस० को बताया था कि उन्होंने रविवार, 18 मार्च, 1973 अपराह्न में अन्य व्यक्तियों में कार्य का धार्यटन किया, जिससे प्रतीत होता है कि वह स्वयं झुट्टी पर थे। वास्तव में इसकी डी० जी० एम० एस० के सामने श्री एम० सी० भट्टाचार्य और श्री आर० के० चौधरी द्वारा दिए गए बयान से पुष्टि होती है। तथापि न्यायालय में उन्होंने अपने बयान में

यह अस्वीकार किया है और कहा है कि वे रफ़्तार अगस्त को ड्यूटी पर नहीं थे और वह केवल निजी टेलीफ़ोन करने के लिए खान में आये थे, तथापि, जिरह के दौरान उन्होंने स्वीकार किया कि कार्यकारी प्रबंधक ने उन्हें खान पर रहने के लिए कहा था, किन्तु उन्होंने अभी भी तर्क दिया है कि वे उस अपराह्न को ड्यूटी पर नहीं थे। न्यायालय में दिए गए उनके बयान के अनुसार, उन्हें यह भी मालूम नहीं था कि पंखा बन्द था। बाद वाले बयान पर विश्वास करना कठिन है जो कि स्पष्टतः जिम्मेदारी न स्वीकार करने के लिए दिया जा रहा है। फिर भी यदि, यह सत्य है, तो यह उनकी उदासीनता दर्शाता है और केवल उनके बयान से ही मित्र हो सकता है कि जब कार्यकारी प्रबंधक ने उन्हें खान पर रहने के लिए कहा था, वे तब भी स्वयं को ड्यूटी पर नहीं समझते थे और इसलिए वे अपने चारों ओर जो कुछ हो रहा था उसके प्रति उदासीन थे, यह एक असमर्थनीय स्थिति है। श्री ओ० पी० ओहरी को पंखा बालू रखने या भूमिगत ध्वस्तियों की निकासी के प्रति अपनी चूक के लिए जिम्मेदारी स्वीकार करनी चाहिए।

8.6.6 केवल को नीचे करने और लगाने का निकटतम इंजार्ज सहायक इंजीनियर श्री कुण्डु थे। उन्होंने बताया कि जब यह कार्य किया जा रहा था तो मुख्य सवातन पंखा बंद करना आवश्यक नहीं था, और यह कि वे नहीं जानते कि पंखे को बन्द करने का आदेश किसने दिया। पंखे को बन्द करने की आवश्यकता संबंधी उनके विचार सही थे या नहीं, श्री कुण्डु ने विशिष्ट कार्य पर लगे अधीनस्थ कार्यकर्ता के रूप में काम किया। यह दर्शाने के लिए कुछ भी नहीं है कि पंखे को बन्द करने का उन्होंने आदेश दिया। उन्हें इस बात के लिए दोष नहीं दिया जा सकता कि उन्हें खतरे का अनुभव कर लेना चाहिए था, कम से कम उन व्यक्तियों के लिए जो उनके आदेशों के अन्तर्गत कार्य कर रहे थे। विशेष रूप से जबकि उनका यह विचार था कि इससे उनके कार्य में बाधा नहीं पड़ेगी। वह ऐसा करने में असमर्थ रहे और इसके वे दोषी तथापि विपत्ति के लिए मुख्य रूप से उन्हें जिम्मेदार नहीं ठहराया जा सकता क्योंकि उन्हें पंखा बन्द करने अथवा चलाने का कोई अधिकार नहीं था, न ही वे व्यक्तियों और खान के लिए जिम्मेदार थे, निवाय उनके जो उनके तत्काल अधीन थे। किन्तु, एक और भूल है जिसके लिए श्री कुण्डु जिम्मेदार हैं। उनके अधीन केज में जो व्यक्ति थे उन्होंने सुरक्षा पट्टियां नहीं पहनी हुई थी, जो उन्हें पहननी चाहिए थी। विकल्प रूप में दी गई माधारण रस्सी को मनोपजनक नहीं माना जा सकता। यह भूल है जिसके लिए श्री कुण्डु को अपनी जिम्मेदारी स्वीकार करनी चाहिए।

8.6.7 दुर्घटना के दिन कोयला खान में दो अन्य अधिकारी सहायक इंजीनियर श्री के० सी० मिस्त्री और सहायक प्रबंधक श्री पंडे मौजूद थे। श्री पांडे आई संक्रिया के इंजार्ज थे और श्री मिस्त्री उस दिन केवल को नीचा करने और स्थापित करने के काम में मदद कर रहे थे। 16 सीम में अपने विद्युत् उपस्तर की मरम्मत कार्य और अनुरक्षण की काम की देखभाल कर रहे थे। ओवरमैन श्री के० खान ने न्यायालय के सम्मुख अपनी गवाही में बताया कि श्री पांडे और श्री के० सी० मिस्त्री दोनों ने ही उनसे नीचे खान में जाने के लिए कहा था और श्री मिस्त्री ने आग्रहमान किया था कि श्री पंडे ही पंखा चला दिया जाए। इन दोनों अधिकारियों ने धमिकों को किन्ना अभिप्रेरित किया और उन पर अपने प्रभाव का कितना हस्तगत किया, यह स्पष्ट ही है किन्तु यदि यह ज्यादा न भी रहा है तो भी वे दोष से बिल्कुल मुक्त नहीं हो सकते। सहायक इंजीनियर श्री पांडे की यह सुनिश्चित करने की जिम्मेदारी थी कि व्यक्ति खान में नीचे ऐसी परिस्थितियों में ना जाए जो खतरनाक हो सकती है। वस्तुतः उन्हें दूसरी पारी के लोगों को नीचे जाने से रोकना चाहिए था और यदि उन्होंने उन्हें उस अवस्था पर नीचे जाने की अनुमति दी भी थी तो उन्हें चाहिए था कि वे उन्हें

उस समय वापिस बुला लेते जबकि पंखा अनिश्चित अवधि के लिए बन्द पड़ा था ऐसा न करने से श्री पांडे, सहायक प्रबंधक के अपने कर्तव्य में असफल रहे।

श्री मिस्त्री की जिम्मेदारी उनके अधीन काम करने वाले उन्हीं व्यक्तियों की थी जो 16 सीम में नीचे भेजे गए थे। इसके अनिश्चित श्री मिस्त्री के विरुद्ध एक और भी बात है, जिस पर ध्यान दिया जाना चाहिए। महानिदेशक, खान सुरक्षा के सम्मुख अपने बयान में उन्होंने यह स्वीकार किया कि यद्यपि पंखा तीन घंटे से बन्द किया गया था और न कि केवल डेढ़ घंटे में, जैसा कि कार्यवाहक प्रबंधक द्वारा स्वीकार किया गया था, उन्होंने इस तथ्य की जानकारी कार्यवाहक प्रबंधक को नहीं दी, यह वास्तव में एक भूल थी।

8.6.8 दूसरी पारी में जो व्यक्ति भूमिगत थे उनमें पर्यवेक्षण अधिकारियों में से केवल तीन ही विस्फोट में बच सके। उनमें से एक श्री भट्टाचार्य विस्फोट के स्थल से दूर परिचर्या और एमोटी पेनल में काम कर रहे थे। अन्य दो, श्री यू० के खान, ओवरमैन और श्री सुदर्शन सिंह खाना सरदार थे। दुर्भाग्यवश शेष सभी दुर्घटना में खतम हो गए। आई० आई० एम० कंपनी के प्रबंध मंडल ने इस तथ्य का विशेषरूप से उल्लेख किया कि इन अनुभवी पर्यवेक्षकों ने दूसरी पारी के दौरान गैस की कोई रिपोर्ट नहीं दी। इसलिए उन्होंने तर्क दिया कि वहाँ कोई गैस नहीं थी और इस दलील की प्रबंध मंडल के इस विचार के समर्थन में प्रयोग किया गया कि छन के गिरने से आवाज ही गैस आ गई। मैंने पहले निर्णय लिया है कि जिन कारणों का मैं उल्लेख कर चुका हूँ, उनसे यह बात स्वीकार नहीं की जा सकती और मेने गैस के संचयकी वैकल्पिक उपपत्ति को माना है। इसलिए मैं श्री यू० के० खान का यह बयान स्वीकार नहीं कर सकता कि उन्होंने कोई गैस नहीं पाई थी। मेरा विचार है कि न तो श्री खान और न ही श्री सुदर्शन सिंह ने महत्वपूर्ण स्थानों पर गैस के संबंध में परीक्षण किया। वे प्रवेश द्वार पर बैठने में ही संतुष्ट थे, बजाय यह सुनिश्चित करने के कि गैस के धीरे-धीरे संचय से व्यक्तियों को कोई खतरा न हो, जैसा कि उनका कर्तव्य था। इसलिए वे अपनी जिम्मेदारी निभाने में असफल रहे और इस कारण उनको अवश्य दोषी ठहराया जाना चाहिए।

8.7.1 मेने दुर्घटना के संबंध में एजेन्ट से लेकर उनके नीचे के विभिन्न पर्यवेक्षण अधिकारियों को सौंपी जिम्मेदारियों के बारे में चर्चा की है। मैं अब उन पर लगाए जाने वाले दोष की मात्रा के बारे में कुछ कहना चाहूंगा। मेरा विचार है, कि सबसे अधिक दोषी बरिष्ठ इंजीनियर श्री टी० सी० लहीरी हैं। उनके बाद मैं सहायक प्रबंधक श्री ओ० पी० ओहरी और उनके बाद कार्यवाहक प्रबंधक श्री आर० के० चौधरी को दोषी ठहराता हूँ। एजेन्ट श्री धादवाल, मेरे विचार में श्री चौधरी के तुरंत बाद आते हैं।

8.7.2 अधीनस्थ पर्यवेक्षी अधिकारियों में श्री यू० के० खान और श्री सुदर्शन सिंह अपनी भारी चूक के लिए सीधे जिम्मेदार हैं। श्री खान जो कि एक ओवरमैन हैं और श्री सुदर्शन सिंह से पद में बरिष्ठ होने के नाते श्री मित्र की अपेक्षा इस गल्ती के लिए अधिक जिम्मेदारी स्वीकार करनी चाहिए। सहायक प्रबंधक, श्री पांडे की एक सामान्य और विशिष्ट जिम्मेदारी है जिससे वह नहीं बच सकते। इसलिए मैं उनका स्थान श्री खान और श्री मित्र के तुरंत पश्चात् रखूंगा। श्री के० सी० मिस्त्री और श्री कुण्डु की भी जिम्मेदारी है, किन्तु सबसे कम के क्रम में मैं उन्हें अन्त में साथ-साथ रखना हूँ।

## IX सकारितों

### 9.1. सामान्य

9.1.1 जिन परिस्थितियों में विस्फोट हुआ, उनके बारे में पिछले खंड में मेने साफ़ रूप में चर्चा की है। उनसे यह पता चलता है कि खान

अधिकारियों की खनन विनियमों और रसायनी आदेशों के निषेधन में अपने कर्तव्यों और उत्तरदायित्वों का ज्ञान नहीं था। उदाहरण के लिए इजीनियरी कर्मचारी बग न पढ़ने याद मासूम नहीं किया कि मुख्य वायु संचार पक्षों का प्रचार अथवा उनमें द्वारा प्राधिकृत तुरंत कार्यभारी अधिकारियों की विशिष्ट अनुमति के बिना कितने भी समय के लिये बन्द नहीं किया जा सकता। इस बात में भी काफी भ्रान्ति रही कि अपना न के बायना खान से कार्यवाहक प्रबन्धन न अचाने जान के बाद उनकी और सहायक प्रबन्धक की क्या क्या जिम्मेदारियाँ थी। इसलिए मेरी पहली सिफारिश यह है कि सभी वर्गों और पर्यवेक्षी अधिकारियों का जिसके कर्तव्य खनन विनियमों और रसायनी आदेशों के अन्तर्गत तय धिर गये हैं उन्हें अपने कर्तव्यों और जिम्मेदारियों का पूरा ज्ञान होना चाहिये। यह ऐसा कार्य है जिसे विशिष्ट प्रबन्धन द्वारा अपने हाथ में लिया जाना चाहिये इस मामले में यह कार्य मुख्य खनन इजीनियर द्वारा सुरक्षा अधिकारी की मदद से किया जाना चाहिए।

9.1.2 खनन विनियम जैसे कि वे इस समय हैं, काफी व्यापक हैं, तथापि मे एक बात सुझाना चाहूँगा कि जहाँ कहीं ऐसे विनियम नहीं हैं, वहाँ विशिष्ट व्यवस्था की जानी चाहिये। यद्यपि वर्तमान विनियमों में ऐसी व्यवस्था है कि वायु से संचार पक्षों को बन्द करने से पहले प्रबन्धक की विशिष्ट अनुमति प्राप्त की जानी चाहिये, किन्तु इससे लिए यह अपेक्षित नहीं है कि यह अनुमति लिखित रूप में ही दी जाये। दुर्घटना के दिन जैसा कि मैंने नोट किया है कि पक्षों को लगभग एक घंटे के लिए बन्द करने की अनुमति ली गई थी। किन्तु वस्तुतः उसे सुबह तीन घंटे के लिए बंद किया गया और फिर बाद में 40 मिनट के बाद दोपहर बाद और शाम को 6 घंटे के लिए बन्द किया गया। मैंने यह भी नोट किया है कि पिछले अवसरों पर दुर्घटना से पहले तीन महीनों में चार बार पक्षों को एक घंटे से अधिक समय के लिए बन्द किया गया। यह बन्द करना बिजली फेल होने के अनिश्चित था। इस बात को ध्यान में रखते हुए कि प्रबन्धक की अनुमति ली गई थी। मेरी सिफारिश है कि प्रबन्धक अथवा उसके द्वारा प्राधिकृत किसी व्यक्ति की लिखित अनुमति के बिना पक्षों को (बिजली फेल हो जाने अथवा प्रबन्धक मजल के निषेधन से बाहर किसी अन्य परिस्थिति को दृष्टि कर) बन्द नहीं किया जाना चाहिये। हर मामले में ऐसी अनुमति में यह भी स्पष्ट होना चाहिए कि पक्षों कितने समय के लिए बन्द किया जायेगा। प्रबन्धक के निषेधन से बाहर कारणवश पक्षों बंद हो जाने पर भी पक्षों बंद हो जाने की सूचना पक्षा रजिस्टर में दर्ज की जानी चाहिए और उस पर प्रबन्धक द्वारा अथवा उसके द्वारा प्राधिकृत किसी व्यक्ति द्वारा हस्ताक्षर किए जाने चाहिए कि उन्हें सूचित किया गया है।

9.1.3 प्रत्येक बार पक्षा बंद हो जाने की प्रबन्धक का पूर्ण जानकारी दिये जाने में चाहे वह जान बूझ कर बन्द किया गया हो या प्रबन्धक मजल के निषेधन से बाहर के कारणों से बन्द किया गया हो इस तथ्य की वलील देने का कोई अवसर नहीं रहेगा कि पक्षा बन्द हो जाने की उन्हें कोई जानकारी नहीं थी, जैसा कि इस मामले में किया गया है। इस प्रकार यह प्रबन्धक की अथवा उसके द्वारा प्राधिकृत अधिकारियों की पूरी जिम्मेदारी होगी कि वह जमीन के नीचे में व्यक्तियों को वापस बुलाने के लिए कार्यवाही करे क्योंकि स्थायी आदेशों के अन्तर्गत ऐसा करना उससे लिए अपेक्षित है। यह निश्चय करना भी उनकी जिम्मेदारी होगी कि जारी रखे जाने वाली आवश्यक सेवाओं के लिए व्यवस्था करने के पश्चात् क्या बिजली बन्द कर दी जानी चाहिए, यदि हाँ तो किस सीमा तक।

9.1.4 एक अमेसर ने उस व्यवहार संहिता के मसौदे को मेरे सम्मुख पेश किया, जिसमें अन्तर्राष्ट्रीय श्रम संगठन के महानिदेशक द्वारा तैयार किये गये वायु की खानों में जमीन के नीचे विस्फोट के कारण दुर्घटनाओं को रोकने के उपाय बताये गये थे। इस मसौदे की अन्तर्राष्ट्रीय

श्रम संगठन के शासी निकाय की पिछली बैठक में विचार किया गया था और उसे सभी सम्बन्धियों में परिचालन के लिए स्वीकार किया गया था। मैंने मसौदे का प्रस्तावित किया है। इसमें स्तर न निर्धारित करने के बारे में कोई विशेष सुझाव नहीं है बल्कि उन क्षेत्रों पर अधिक बल दिया गया है जिनमें विस्फोट के कारण दुर्घटनाओं की संभावना के लिए आवश्यकता पड़ती जानी चाहिए। यह खानों में सुरक्षा संबंधी अन्तर्राष्ट्रीय माठन के सहायक पक्षों की टिप्पणियाँ पर और विशेषज्ञों की सिफारिशों पर आधारित है। मेरी सिफारिश है कि इस मसौदे पर महानिदेशक, खान सुरक्षा और श्रम मंत्रालय द्वारा मासधानी से विचार किया जाना चाहिए और जहाँ जहाँ सम्झा गया जाय वहाँ अन्तर्देशों में वर्णित संभव खतरों के विरुद्ध सुरक्षा के लिए विनियम बनाये जाने चाहिए।

9.1.5 दुर्घटना के दिन की घटना की एक महत्वपूर्ण बात यह थी कि अधिकतर वर्गों अधिकारियों न ड्यूटी से छुट्टी पर रहने का वादा किया है। उस दिन रविवार था जिससे कोयला खान में रोज कार्य का दिन समाप्त जाता है और अगले दिन होनी थी वह भी छुट्टी का दिन था यह प्रवृत्ति कि छुट्टियाँ व के दिनों सन्धि ड्यूटी पर न रहना अधिकारियों में काफी प्रचलित है यद्यपि जैसा हम समझते हैं, अधिकतर श्रमिकों के विपरीत उन्हें साप्ताहिक अथवा अन्य विश्राम के दिन काम करने के लिए समयपरिभ्रम अथवा पबजी छुट्टी भी नहीं मिलती है। मेरा विचार है कि इस स्थिति में सुधार करने की जरूरत है। आराम वाले दिन आराम करने के लिए कुछ प्रतिपूर्ति की जानी चाहिए और ऐसे दिनों के लिए ड्यूटी पर रहने के वास्ते अधिकारियों की एक नियमित नामावली तैयार की जाये। नामावली में रखे जाने वाले ऐसे अधिकारियों की संख्या और दर्जा उस दिन दिये जाने वाले काम की प्रकृति पर ही निर्भर करता है। रविवार जैसे 19 मार्च के दिन को जबकि केवल की नीचे रखने और उसे स्थापित करने जैसे बड़ा काम का प्रस्ताव किया जाय, विरुद्ध और जिम्मेदार अधिकारियों को रोज ड्यूटी पर लगाया जाना चाहिए। अन्य दिनों पर जब कि केवल सामान्य अनुरक्षण और मरम्मत का काम किया जाता है, अवर दर्जों के अधिकारियों को रखना पर्याप्त होता। फिर भी इस विषय पर प्रबन्धक द्वारा निर्णय लिया जाना चाहिए। सबसे महत्वपूर्ण बात यह है कि एक नामावली तैयार की जाय और सर्वाधिक अधिकारियों को साफ साफ बता दिया जाय कि उस दिन उनकी क्या ड्यूटी और क्या जिम्मेदारी है।

9.1.6 मेरे विचार में खानों के लिए सुरक्षात्मक प्रणाली में पूर्ण पुनर्गठन की आवश्यकता है। विद्यमान नियमों और विनियमों के अन्तर्गत यह अपेक्षित है कि पांच हजार और पन्द्रह हजार टन प्रति मास कोयला पैदा करने वाली खानों में द्वितीय श्रेणी का प्रबन्धक एक सुरक्षा अधिकारी के रूप में हो और पन्द्रह हजार टन से अधिक उत्पादन वाली खानों में प्रथम श्रेणी का प्रबन्धक हो। प्रत्येक मामले में सुरक्षा अधिकारी कोयला खान प्रबन्धक के नीचे निषेधन में काम करना है। यह पद्धति सतोषजनक नहीं रही है और ऐसी शिकायतें प्राप्त हुई हैं कि सुरक्षा अधिकारियों को सुरक्षा की बजाय उत्पादन कार्य पर लगाया जाता है और इसकी सूचना खान सुरक्षा महानिदेशालय का नहीं दी जाती जैसा कि विनियमों में अपेक्षित है। इस प्रकार वायु संचार अधिकारियों की आज्ञाकारी सीधे कोयला खान अधिकारियों के अधीन काम करना है और ऐसी ही शिकायतें प्राप्त हुई हैं कि उनकी सेवाये वायु संचार की अपेक्षा उत्पादन कार्य के लिए अधिक हस्तमाल की जाती है।

मैं अनुभव करता हूँ कि सुरक्षात्मक पद्धति का गठन आन्तरिक आडिट की पद्धति के अनुसार किया जाये और कोयला खानों के प्रबन्धक के सलाहकार के रूप में काम करते हुये सुरक्षा अधिकारियों को कुछ उच्च अधिकारियों के साथ सीधे हो सम्पर्क करने की छूट हो और वह प्रबन्धक का अधीनस्थ कर्मचारी ना रहे। सरकार द्वारा अपने हाथ में निषेधन

लिए जाने पर कोयला खान प्रबन्ध ने हाल ही में हुए परिवर्तन के फलस्वरूप ऐसा करना कठिन नहीं होना चाहिए। कुछ एक बड़े खानों तथा कुछ विषम अवस्थाओं को छोड़कर आजकल भारत कुकिंग कोल लिमिटेड, राष्ट्रीय कोयला विकास निगम लिमिटेड, कोयला खान प्राधिकरण और मिगरेनी कोयला खान कम्पनी लिमिटेड जैसे बड़े बड़े सार्वजनिक उद्यमों में कोयले की खानों की संगठित किया गया है। मेरा सुझाव है कि सुरक्षा और वायु संचार अधिकारियों का एक अलग संगठन बनाया जाना चाहिए। वर्तमान की तरह प्रत्येक खान में एक सुरक्षा अधिकारी होना चाहिये जैसा कि उल्लिखित विनियमों में व्यवस्था है। उसे सुरक्षा संबंधी मामलों में प्रबन्धक का प्रमुख सलाहकार होना चाहिये। फिर भी प्रबन्धक को खान के पूर्ण परिचालन की जिम्मेवारी उठानी चाहिये। यह प्रबन्धक पर निर्भर करेगा कि वह सुरक्षा अधिकारी की सलाह माने या नहीं माने किन्तु सुरक्षा अधिकारी को यह अधिकार होना चाहिए कि वह क्षेत्र सुरक्षा अधिकारी, जो क्षेत्र महा प्रबन्धक के कार्यालय में होगा, को सोधे ही रिपोर्ट दे सके।

खान स्तर पर सुरक्षा अधिकारी की सहायता वायु संचार अधिकारी द्वारा की जानी चाहिये। वायु संचार अधिकारी सीधे सुरक्षा अधिकारी के अधीन कार्य करेगा। सुरक्षा अधिकारी को ऐसी सचिवालयीय तथा अधीनस्थ सहायकों की सहायता उपलब्ध की जानी चाहिए जिसकी उसे जरूरत हो, जैसा कि मैंने पहले बताया कि कोयला खान प्रबन्धक को सलाह देना उनका प्रमुख काम होगा। यह उनके लिए वैकल्पिक ही नहीं बल्कि आवश्यक है कि वह क्षेत्रीय सुरक्षा अधिकारियों के पास ऐसी सामयिक रिपोर्ट भेजे जिनमें उसके अधीन खानों में पालन किए जाने वाले सुरक्षा स्तरों का उल्लेख हो।

क्षेत्रीय स्तर पर एक सुरक्षा अधिकारी होना चाहिये जिसकी सहायता के लिए थोड़े से निरीक्षक कर्मचारी हों जिनमें इंजीनियरी अधिकारी भी शामिल हों। क्षेत्रीय सुरक्षा अधिकारी की यह इप्टी होगी कि वह खान सुरक्षा अधिकारियों की रिपोर्टों के आधार पर खानों में सुरक्षा व्यवस्था से सम्पर्क बनाये और खनन-खनन पर उसका व्यक्तिगत रूप से प्रभाव अपने स्टाफ अधिकारियों की सहायता से निरीक्षण करे। क्षेत्रीय सुरक्षा अधिकारी सीधे ही तकनीकी निदेशक के अधीन काम करें, जहाँ कहीं ऐसे निदेशक का पद हो अथवा वह प्रबन्धक निदेशक के अधीन रहे।

छोटे-छोटे संगठनों में, जैसे बड़े खानों में, जिनमें एक की जगह इम रिपोर्टों में की जा रही है, प्रणाली कुछ भिन्न हो सकती है। क्षेत्रीय सुरक्षा अधिकारी के स्थान पर सुरक्षा अधिकारी भी पर्याप्त हो सकता है, जो संगठन के महा-प्रबन्धक के अधीन हो।

कोयला खान में तथा उच्च स्तर पर दोनों जगह सुरक्षा अधिकारी का यह भी एक कर्तव्य होना चाहिए कि वह न केवल पर्यवेक्षण अधिकारियों में बल्कि श्रमिकों के बीच भी सुरक्षा की भावना जाग्रत करे। इस प्रयोजन के लिए ऐसे मामलों में सभी संबंधितों को सामान्यतया शिक्षित करने के लिए खान सुरक्षा महानिदेशालय और राष्ट्रीय खान सुरक्षा परिषद् के सहयोग से परीक्षण कार्यक्रम चनाए जाने चाहिये।

मैं इस बात को मानता हूँ कि मैंने जो यह सफाईश को है उससे खानों की सुरक्षा पद्धति में मौलिक परिवर्तन होगा। संभव है कि इसकी क्रियाशक्ति में कुछ ऐसी कठिनाइयाँ सामने आयें जो तुरंत दृष्टिगत न हों। यदि ऐसी कठिनाइयों की वास्तव में संभावना हो तो मेरा सुझाव है कि मैंने जो योजना सुझाई है उसे कुछ चुने हुए क्षेत्रों में प्रयोगात्मक आधार पर प्रारम्भ किया जाय।

9.1.7. सुरक्षात्मक उपाय तभी वास्तव में प्रभावी हो सकते हैं, जबकि सभी संबंधित व्यक्ति विशेष रूप से उत्पादन में लगे व्यक्ति उनका ध्यान रखें। ऐसी प्रवृत्ति है कि खान सुरक्षा महानिदेशालय की ही सुरक्षा

का प्रमुख अभिरक्षक समझा जाता है। कुछ हद तक यह भावना इस तथ्य से पैदा होती है कि खान सुरक्षा महानिदेशालय को खान अधिनियम और उसके अन्तर्गत बने विनियमों के अधीन काफी व्यवस्थापकीय तथा दंडात्मक अधिकार भी प्राप्त है। जबकि दंडात्मक अधिकारों का उपयोग गम्भीर मामलों में आवश्यक हो सकता है, कुछ अन्य व्यवस्थापकीय अधिकारों का उपयोग अधिक सहायक है। उदाहरण के लिए महानिदेशक सुरक्षा खान जो छूट प्रदान करता है अथवा सुरक्षात्मक उपायों को मंजूर करता है, उनसे ऐसी भावना पैदा होती है कि ऐसी छूट अवस्था मंजूरी प्राप्त होने पर उत्तराधिकारी सभी जिम्मेदारियों से अवस्था उनमें उत्पन्न होने वाले परिणामों से मुक्त हो जाते हैं। कोई प्रथा यथा प्रायः इसलिए खतरनाक नहीं हो सकती क्योंकि महानिदेशक, सुरक्षा खान ने उसे मंजूर कर दिया है। यह निर्णय लेना कि कोई विशिष्ट प्रथा अपनाई जाये, उत्पादन प्राधिकारियों पर ही छोड़ दिया जाना चाहिये और आवश्यकता पड़ने पर खान सुरक्षा महानिदेशालय द्वारा गन्नाह दी जानी चाहिये, यद्यपि यह स्पष्ट रूप से बता दिया जाये कि उस प्रथा को अंततः के परिणाम उसी को भुगतने होंगे।

मेरे विचार से खान सुरक्षा महानिदेशालय के कार्यों की फिर से परिभाषा करने की आवश्यकता है; जिनसे उनकी इप्टी के तीन पहलुओं पर बल दिया जाये। पहला यह है कि उन्हें सुरक्षा के स्तर आने विशिष्ट ज्ञान और व्यापक अनुभव के आधार पर तय करने चाहिये। दूसरा यह है कि इन्हें उत्पादन प्राधिकारियों को सामान्यतः और विशिष्ट दोनों प्रकार की सलाह देनी चाहिये। तीसरा कार्य यह होना चाहिए कि नियमित रूप से निरीक्षण करे और कोयला खान में वास्तव में पालन किये जाने वाले सुरक्षा के स्तरों के बारे में उच्च स्तरीय उत्पादन प्राधिकारियों को बतावे यदि यह तीनों कार्य समुचित रूप से किये जायें तो शायद ही उन्हें कोई दंडात्मक कार्यवाही करनी पड़े।

एक विशिष्ट सिफारिश जिसे मैं इस संबंध में कहना चाहूँगा कि खान सुरक्षा महानिदेशालय न केवल समय समय पर वार्षिक अथवा छमाही रिपोर्ट भी सरकार को दे, बल्कि ऐसी विशिष्ट रिपोर्ट भी सरकार को दे सकते हैं, जब वह यह समझे कि खानों में सामान्य रूप से अथवा खानों के समूह में अपनाई जाने वाली प्रथा ऐसी है जिस पर यह ध्यान देने की आवश्यकता है। फिर इन रिपोर्टों पर न केवल सुरक्षा के लिए उत्तरदायी मंत्रालयों द्वारा विचार किया जाना चाहिए, बल्कि उत्पादन से संबंधित मंत्रालय द्वारा भी उन पर विचार किया जाना चाहिए।

9.1.8. मेरे विचार से खान सुरक्षा महानिदेशक का कार्य एक परामर्शदाता, मित्र और सलाहकार का होना चाहिए यद्यपि इसके कि वह एक अभियोजक और प्रवर्तन अधिकारी के रूप में कार्य करे। यह आवश्यक है कि खान सुरक्षा महानिदेशालय को उद्योग में सम्मान अर्जित करना चाहिए। यह मेरे अधिकार क्षेत्र से बाहर है कि मैं खान सुरक्षा महानिदेशालय के अधिकारियों की सेवा-शर्तों अथवा वेतन ढाँचे के बारे में कोई सिफारिश करूँ। फिर भी मेरी सिफारिश है कि यह ऐसे होने चाहिए जिनसे उच्च योग्यता और पर्याप्त अनुभव वाले लोग आकर्षित हो सकें। विभाग का ऐसे व्यक्तियों द्वारा प्रभाव किये जाने पर, कोई भी व्यक्ति यह आशा कर सकता है कि उनका ध्यान महत्वपूर्ण मामलों की ओर डिलाया जा सकेगा और नियमों एवं विनियमों के छोटे-छोटे उल्लंघनों अथवा तकनीकी त्रुटियों तक ही उनका ध्यान नहीं रहेगा।

9.1.9 जैसा कि मैंने पहले बताया है कि प्रभावी सुरक्षा के लिए यह आवश्यक है कि उत्पादन के कार्य में लगे सभी व्यक्तियों में सुरक्षा की भावना पैदा की जाए। इनके अन्तर्गत श्रमिकों भी शामिल हैं जो न केवल ऐसे कार्यों के करने में लगे हैं, बल्कि वास्तव में दुर्घटनाओं के होने पर सबसे अधिक हानि सहते हैं। इसलिए सोच-विचार करके एक ऐसा प्रयास किया जाये जिससे श्रमिकों और उनकी यूनियनों का सहयोग

प्राप्त हो और उनमें सुरक्षा संबंधी मामलों के प्रति हचि पैदा की जाये। इसलिए मैं सिफारिश करता हूँ कि प्रबंध मंडल द्वारा सुरक्षा अधिकारियों की सहायता से एक ऐसा गम्भीर प्रयाग किया जाना चाहिए कि इस प्रयोजन के लिए पिट सुरक्षा समिति को फिर से सामान्यतः सक्रिय बनाया जाये। संघातक दुर्घटनाओं संबंधी जांच रिपोर्टों तथा सुरक्षा अधिकारियों या खान सुरक्षा महानिदेशालय की ऐसी सामान्य रिपोर्टों को जो कोयला खानों में पालन किए जाने वाले सुरक्षा स्तरों के बारे में हों, न केवल पिट सुरक्षा समिति को उपलब्ध की जाए, बल्कि उन पर उनकी बैठकों में गम्भीरता से विचार किया जाये। अन्तर्गतता की ऐसी भावना पैदा की जाये, जिसमें प्रबन्धक और श्रमिक दोनों ही यह महसूस करें कि सुरक्षा मानकों का पालन करने के मामले में वे दोनों ही समान रूप से भागीदार हैं।

## 9.2. सप्लीकी

9.2.1 जैसा कि देखा गया है, इस दुर्घटना में प्रमुख संघातन पंखे ने मुख्य भूमिका भूमा की है। मैंने मन्तव्य दिया है कि इस पंखे का बन्द होना ही इस विस्फोट का मुख्य कारण था। इस मामले में पंखे को जान बूझ कर बन्द किया गया था। तथापि, कोयला क्षेत्रों में व्याप्त वर्तमान परिस्थितियों को देखते हुए, बिजली फेल होने के कारण पंखे के बार-बार बन्द होने पर भी ध्यान देना पड़ेगा। निःसंदेह इस बात के अन्य कारण-यान्त्रिक अथवा अन्य भी हो सकते हैं कि पंखा क्या बंद हो जाता है जबकि इसे बन्द करने का कोई निश्चय नहीं किया जाता। इन आकस्मिकताओं के लिये भी व्यवस्था करने की आवश्यकता है।

इस समय देश में बिजली की कमी ने पिछले कुछ महीनों से सब का ध्यान अपनी ओर आकृष्ट किया है और प्राधिकारी विशेष रूप से इस संबंध में बहुत चिंतित हैं। अतः मुझे इस बात पर बल देने की बिल्कुल आवश्यकता नहीं है कि बिजली फेल होने के कारण सुरक्षा तथा उत्पादन दोनों दृष्टियों से कैसी गम्भीर स्थिति उत्पन्न हो जाती है। यह सुझाव दिया गया है कि जूँकि कोयला क्षेत्रों में कोयला काफी मात्रा में उपलब्ध है, इसलिये इन क्षेत्रों की आवश्यकताओं की पूर्ति करने के लिये बड़े पैमाने पर पावर स्टेशनों के एक या अधिक एकक स्थापित किये जायें। मुझे इस बात में संदेह नहीं है कि सरकार इस सुझाव पर तत्परता से विचार करेगी। तथापि, मैं यह सिफारिश करना चाहता हूँ कि नियमित सप्लाई सुनिश्चित करने के लिये जो भी प्रबंध किये जायें, यह अत्यधिक वांछनीय होगा कि कम से कम खानों के उन वर्गों को बिजली सप्लाई करने के लिये कुछ वैकल्पिक प्रबंध किये जायें, जो बहुत ही गैसपूर्ण हैं, इस उद्देश्य के लिये, मैं यह सुझाव दूँगा कि अपेक्षाकृत छोटे पैमाने पर एकक, यानी प्रत्येक 50 मैगावाट का, सयुक्त ग्रिड के बाहर महत्वपूर्ण स्थानों पर स्थापित किये जायें। सामान्यतः इन एककों को खान की आवश्यक सेवाओं के साथ जोड़ा जाये और उन्हें इन सेवाओं की आवश्यकताओं की पूर्ति करने के लिये पर्याप्त मात्रा में प्रबंध करने के फलस्वरूप, आवश्यक सेवाओं, जैसे पंखा, वाइन्डर और पम्प को बिजली सप्लाई करने के दो वैकल्पिक स्रोत हों जायेंगे। जहाँ, इन सेवाओं को प्रायः इन विशेष एककों से बिजली प्राप्त होगी, वहाँ आवश्यकता के समय इन्हें बिजली सामान्य ग्रिड से प्राप्त हो सकती है।

मैं अनुभव करता हूँ कि इस प्रकार का प्रबंध करने में बहुत धन खर्च होगा तथापि, बिजली फेल होने के कारण जीवन तथा मान की संभावित हानि और उत्पादन में बार-बार आने वाले अवरोधों को ध्यान में रखते हुए, मैं महसूस करता हूँ कि यद्यपि अतिरिक्त अप्रचलितता की दृष्टि में बहुत अधिक है, फिर भी इस निष्पक्षक अथवा फजूल नहीं कहा जा सकता।

महानिदेशालय खान सुरक्षा ने मुझे सूचना दी है कि उन्होंने पहले ही तीसरे वर्ग की गैसपूर्ण खानों के प्रदूषकों को वैकल्पिक आपातपयोगी पंखे लगाने की सलाह दी है। राष्ट्रीय कार्यान्वयन विकास निगम लिमिटेड के अधिन

कुछ नई खानें, जैसे सुदामदीह और मोनोदीह, ने इस प्रकार के वैकल्पिक पंखों की व्यवस्था कर दी है। यह वांछनीय है कि अन्य बड़ी खानें भी, जो समान रूप से गैसपूर्ण हैं, ऐसी व्यवस्था करें। किसी भी अवस्था में, जहाँ वैकल्पिक पंखा लगाना आवश्यक नहीं समझा जाता, वहाँ गैस पूर्ण खानों में गैस बाहर निकालने के वैकल्पिक साधनों का प्रबंध होना चाहिए।

इस मामले में जो अन्य कारण सामने आया है वह है श्रमिक सुरक्षा लम्प की सहायता में गैस का पता लगाने में मानव-तत्व का असफल होना। यदि पर्यवेक्षी कर्मचारी-बृन्द पर्याप्त रूप में सतर्क हो और अपेक्षित प्रयत्न करें, तो ये लैम्प गैस का पता लगाने में यथेष्ट है। परन्तु जहाँ कर्मचारी-बृन्द सतर्क न हो और अपेक्षित प्रयत्न न करें तो ये लैम्प गैस का पता लगाने में बिल्कुल असफल रहेंगे, जैसा कि इस मामले में हुआ है। इससे अधिक विश्वास-योग्य तरीका यह है कि खानों के महत्वपूर्ण स्थानों जैसे खण्डों प्रमुख सीमों के मुख्य वापसी मार्ग और सम्पूर्ण खान के मुख्य वापसी मार्ग, पर रिकार्डिंग मैथनोमीटर लगायें जायें। इस प्रकार के मैथनोमीटर सामान्य वापसी वायु में गैस की प्रतिशतता का लगातार रिकार्ड रखेंगे। इसी प्रकार, खण्डों, सीमों, खानों में चलने वाली वायु की मात्रा लगातार रिकार्ड रखने के लिये, वायु-वेग-मापक यंत्र भी लगाये जाने चाहिये। मैं सिफारिश करता हूँ कि अपेक्षाकृत ऐसे साधारण उपकरण गैसपूर्ण खानों में लगायें जायें।

मैं मानता हूँ कि इस समय देश में ऐसे साज-सामान का निर्माण नहीं होता। यदि गैसपूर्ण खानों में ऐसा साज-सामान का प्रयोग अनिवार्य बना दिया जाये तो इनकी मांग उत्पन्न हो जायेगी जिसके फल-स्वरूप सरकारी अथवा निजी क्षेत्र के उत्पादकों के लिये इनका निर्माण करना अलाभदायक सिद्ध हो सकता है। इस सम्बन्ध में जानकारी प्राप्त करने की कोई गम्भीर समस्या नहीं है तथापि, इस प्रकार का निर्माण होने तक, कुछ विदेशी मुद्रा खर्च करना और अपेक्षित साज-सामान का आयात करना वांछनीय होगा।

9.2.5. अंत में, बचाव कार्यों की ओर ध्यान देने की आवश्यकता है। जहाँ इस मामले में बचाव सेवा ने प्रशंसनीय गति तथा कुशलता के साथ कार्य किया, वहाँ इसमें संदेह नहीं कि संचार की कठिनाई के कारण बचाव प्राधिकारी मौके पर उस समय से पहले न पहुँच सकें जिस समय वह श्रम वे पहुँचे थे। वास्तविक विस्फोट और प्रथम बचाव दल की पहुँच में 15 घंटे के समय का अंतर था। इस देरी के कई कारण थे, जिन्हें संचार की कठिनाई नामक शीर्ष के अधीन एकत्रित किया जा सकता है। बचाव कार्य दल अधिक तीव्र गति से हो सकता था यदि एक या अधिक बचाव दल खान के समीप स्थित होते। अंतः में सिफारिश करता हूँ कि अधिक फीडर स्टेशन खोले जायें, विशेषतः बड़ी तथा गैसपूर्ण खानों के समीप। यदि संभव हो, तो इन बड़ी खानों में से कुछ खानें स्वयं बलों का गठन कर सकती हैं और उन्हें अपेक्षित साज-सामान देने की व्यवस्था बचाव सेवा केन्द्र समिति द्वारा की जानी चाहिए।

बचाव स्टेशनों को जिन बचाव उपकरणों से सुज्जित किया जाता है, उनके बारे में भी विचार करना आवश्यक है। वे अपेक्षाकृत भारी हैं और यह भारीपन इन्हें एक स्थान से दूसरे स्थान पर लाने में बाधा उत्पन्न करता है। इन उपकरणों का विदेशों से आयात किया जाता है। और इनकी मरम्मत आदि करने तथा फालतू कुर्जें प्राप्त करने की समस्या उत्पन्न हो जाती है। मैं सिफारिश करता हूँ कि, इन उपकरणों के भारीपन को कम करने की दृष्टि से, इनकी पुनः जांच की जाये और यदि संभव हो, तो इन उपकरणों का देश में ही निर्माण करने की व्यवस्था की जाय। इस बात पर भी विचार किया जाये कि क्या हल्के स्ट्रैचरो को प्रयोग में लाया जा सकता है।

एक अन्य उपकरण, यानी स्वयं रक्षक (सैल्फ रेस्क्यू), को लोक-प्रिय बनाया जाना चाहिये और उसका प्रयोग अनिवार्य बनाया जाना चाहिए। जांच अधीन मामले के सभान किसी मामले में यदि खनकों को स्वयं रक्षक दिये गये होते तो वे अपने आपकी कम से कम कार्बन भानो-आक्साइड के विषेलेन से रक्षा कर सकते थे। यहाँ भी इस उपकरण का निर्माण करने में कोई कठिनाई नहीं है। मुझे सूचना प्राप्त हुई है कि केन्द्रीय खनन अनुसंधान केन्द्र, धनबाद द्वारा आपेक्षित रसायन का पहले ही विकास किया जा चुका है और यदि इसकी कुछ माँग हो, तो व्यापारिक आधार पर इसका बड़ी मात्रा में उत्पादन करने में कोई कठिनाई नहीं होनी चाहिये।

9.2.6 मुझे जो आतिथ मिफारिश करनी है वह उस कमी के बारे में जिसका जीतपुर कोयलरी की दुर्घटना में कोई सीधा सम्बन्ध तो नहीं है, फिर भी जिसका जांच के दौरान पता चला है। महानिदेशालय खान सुरक्षा के बिजली स्कंध द्वारा जीतपुर कोयलरी का लगभग एक वर्ष से निरीक्षण नहीं किया गया। इस मामले में मैंने मन्तव्य दिया है कि यन्त्र तथा विद्युत सम्बन्धी साज-सामान के अनुरक्षण का स्तर संतोषजनक था। अंतः निरीक्षण न किये जाने के कारण दुर्घटना नहीं हुई है। तथापि यदि सामान्य गिद्वान्त की दृष्टि से देखा जाये, तो कभी कभी किये गये इस प्रकार के निरीक्षणों से कोई प्रयोजन मिष्ट नहीं होता। मुझे सूचित किया गया है कि इसका मुख्य कारण यह है कि महानिदेशालय में पर्याप्त संख्या में कर्मचारी उपलब्ध नहीं है। मैंने पर्याप्त संख्या में कर्मचारियों की व्यवस्था करने के प्रश्न पर विचार नहीं किया है और इसलिये मे कर्मचारियों का पर्याप्त संख्या में होने प्रथवा न होने के बारे में कोई राय देने में ममथं नहीं हूँ। तथापि मैं विद्युत तथा यन्त्र सम्बन्धी साज-सामान का, विशेष रूप से भूमिगत खानों में, उचित रूप में बार-बार निरीक्षण करने की आवश्यकता की ओर ध्यान दिलाना चाहता हूँ यहाँ यह कहने की विल्कुल जरूरत नहीं है कि अधिक बड़ी खानों को तेजी से यन्त्रीकृत किये जाने और स्वच्छ की दृष्टि से उपकरणों का अधिकाधिक जटिल होने जाने के कारण निरीक्षण करने की आवश्यकता और भी बढ़ गई है। मेरा यह सुझाव है कि सरकार इस मामले पर विचार करे और ऐसी प्रत्येक यन्त्रीकृत खान का कम से कम तिसाही निरीक्षण करने के लिये यथावश्यक कर्मचारियों की व्यवस्था करे।

#### खर्च की असूली

मैंने इस मामले में मन्तव्य दिया है कि यह दुर्घटना प्रबन्ध के दोषों के कारण हुई। अंतः खान नियमावली, 1955 के नियम 22 के अधीन, मैं आदेश देता हूँ कि जांच पर हुए पूरे खर्च की इन्डियन फायर एंड स्टील कम्पनी की जीतपुर कोयलरी के प्रबन्ध से असूल लिया जाये। इस जांच पर किये गये वार्षिक व्यय की गणना तथा प्रमाणीकरण महानिदेशालय खान सुरक्षा द्वारा किया जायेगा।

#### 10. आमारोबत

10.1 रिपोर्ट समाप्त करने से पूर्व मैं सबसे पहले उन चारों अफसरों, जिन्होंने जांच के दौरान मेरी सहायता की, का हादिक आभार प्रकट करना चाहता हूँ। हमारी यह कोणित रही है कि जो कुछ घटित हुआ है उस की वास्तविकता का पता लगाये उपलब्ध साक्ष्य का निष्पक्ष मूल्यांकन करे और इस दुर्घटना के बारे में बोलिगरी के प्रबन्ध से सम्बन्धित प्रत्येक व्यक्ति की जिम्मेदारी निश्चित करे। इस कार्य में दोनों तकनीकी तथा गैर तकनीकी अफसरों ने मेरी बहुत सहायता की है और वे अपना मग निश्चित करने में वास्तविक तथ्यों के प्रतिनिधित्व किसी अन्य बाध से प्रभावित नहीं हुए। मैं अफसरों का धनिये भी आभारी हूँ क्योंकि उन्होंने खानों का दुर्घटना से उत्पन्न ऐसी परिस्थितियों में कई बार भूमिगत निरीक्षण करने का कष्ट उठाया जो किसी भी दृष्टि से सरल नहीं थी।

10.1.2 स्थानीय कार्यालय स्थापित करने तथा अदालती जांच करने में सभी प्रकार की सुविधायें प्रदान करने के लिये मैं केन्द्रीय कोयला खान बचाव केन्द्र समिति, धनबाद के अध्यक्ष का तथा सदस्यों का आभारी हूँ। मैं राष्ट्रीय कोयला विकास निगम का भी उस सभी सहायता के लिये आभारी हूँ जो उन्होंने हमें धनबाद तथा दिल्ली में अपने शाखा कार्यालय दोनों में दी।

10.1.3 केन्द्रीय खनन अनुसंधान केन्द्र, धनबाद ने कुछ उपकरणों की जांच करने और वायु नैस तथा कोयला चूर्ण के नमूनों का परीक्षण करने के बारे में अच्छा कार्य किया। उन्होंने खान का भी निरीक्षण किया और जांच के दौरान उठाये गये कई प्रश्नों के बारे में अपना विशेषज्ञ मत न्यायालय को दिया।

10.1.4 अपने कृत्यों तथा कर्तव्यों के स्वरूप के कारण महानिदेशालय खान सुरक्षा ऐसी दुर्घटनाओं में सबेव गहन रुचि रखता है। अस्तुत इस प्रकार की घटनाओं की जांच करना उनके कृत्यों का एक अंग है। फिर भी, जिस ढंग से उन्होंने जांच की और जिस समय के साथ उन्होंने अपने विचार-न्यायालय के सामने पेश किये, उसके लिये मैं उनकी प्रशंसा करना चाहता हूँ।

14.1.5 अंत में, मैं यह कहने हुए प्रसन्नता का अनुभव करता हूँ कि जांच से सम्बन्ध सभी पक्षों, जैसे प्रबन्ध, कर्मचारों की संयुक्त फेडरेशन और इन्डियन नेशनल माइन ओवरसेन, सरकार तथा शाट-फायरज एसोसियेशन, ने जांच करने में पूरा पूरा सहयोग प्रदान किया। सब तो यह है कि यदि वे इस सम्बन्ध में रचनात्मक रुख न अपनाते तो यह जांच किसी व्यक्ति को कोई अनिश्चित लाभ पहुँचाये बिना बहुत लम्बे समय तक चलती रहती।

हस्ताक्षर

नई दिल्ली,

आर०सी० वन्त,

दिनांक 4 मई, 1973

जांच अदालत

हम इस रिपोर्ट में दिये गये सभी पर्यवेक्षणों, निष्कर्षों तथा सिफारिशों से पूर्णतया सहमत हैं। यह रिपोर्ट हम से पूरा परामर्श करके तैयार की गई है।

ह० कान्ति मेहता

4-5-73

ह० ललित वर्मन

4-5-73

ह० जी० बी० मिश्र

4-5-73

ह० एस० बी० तवाडे

4-5-73

#### अनुबन्ध 1

1. मुख्य संवातन पंखे का बन्द होना भीषण दुर्घटना के लिए किस हद तक, यदि कोई हो, उत्तरदायी है ?

1.1 यह यथार्थ अवधि क्या थी जिग के दौरान मुख्य पंखा बन्द किया गया ?

1.2 खान की सामान्य गैसीयता की दृष्टि से, क्या इस अवधि का अवरोध गैस का द्रवता जमाव कर सकता है जा कि विरफोटन का खतरा पैदा करे ?

1.3 क्या संवातन के लिए कोई उचित वैकल्पिक व्यवस्था संभव है, जो, यदि मुख्य संवातन पंखा बन्द भी कर दिया जाये, इस खनरे का रोके ? यदि हाँ, तो क्या कोई ऐसी व्यवस्था की गई थी ?



2. क्या गैस के जमाव का कोई अन्य संभव कारण है जिससे विस्फोटन हुआ ?

3. प्रज्वलन के क्या संभव स्रोत हो सकते हैं और इस मामले में संभाव्यतः प्रमुख कारण क्या है ?

4. जो विस्फोटन हुआ उसके स्वरूप और इसके द्वारा विभिन्न स्थान पर हुए नुकसान को दृष्टि में रखते हुए, क्या विस्फोटन के ठीक ठीक कारणों को निर्धारित करना संभव है ?

5. विद्युत सम्बन्धी जुड़नारों और सुरक्षा लैम्पों की देखभाल का स्तर पर्याप्त था ?

6. क्या पहले भी कभी ऐसा हुआ जबकि जे० 3 पंखे की, भूमि के नीचे के व्यक्तियों को हटाए बिना उसके से अधिक धंटे के लिए बन्द किया गया था ?

6.1 इस मामले में व्यक्तियों को क्यों नहीं हटाया गया था ?

6.2 जब कि पंखा काम नहीं कर रहा था तो दूसरी गारी में नए श्रमिकों के समूह को भूमि के अन्दर क्यों भेजा गया था ?

6.3 इन परिस्थितियों में सुरक्षा को सुनिश्चित करने के लिए कौन से पूर्वापार यदि कोई हो, किए गए थे ? भूमिगत सभी विभिन्न स्थानों पर गैस की मात्रा का नापने के लिए क्या कार्यवाही की गई थी क्या इस प्रयोजन के लिए पर्याप्त मात्रा में पर्यवेक्षी वार्तिक भेजे गये थे ? उचित सीमा से अधिक गैस के जमाव का समय पर क्यों नहीं पता लगाया गया और सूचित किया गया ?

7. पंखे को कब पुनः आरम्भ किया गया था ? यदि पंखे को विस्फोटन के तत्काल बाद पुनः आरम्भ किया गया था तो उसे पुनः आरम्भ करने के क्या संभव परिणाम थे ?

7.1 किसने मुख्य पंखे को बन्द करने का आदेश दिया ? क्या इस सत्य और रुकने की समयवधि को प्रबन्ध या एजेंट को सूचित किया गया था ? किसने पंखे को पुनः आरम्भ करने का आदेश दिया था ?

8. किसने लैफ्ट में केबल को उस ढंग से, जिस ढंग से वह लगाया गया था, लगाने का निर्णय लिया था ? क्या एजेंट या कोलिगरी मैनेजर का परामर्श लिया गया था ? यदि हाँ, क्या वे सहमत हुए थे ? सश्रिया का प्रभारी कौन था ? क्या कोई वरिष्ठ इंजीनियरी अधिकारी उपस्थित था ? इस कार्य पर लगाए गए व्यक्तियों के लिए कौन सी सुरक्षात्मक व्यवस्थाएं की गई थीं ?

9. एल० 2 पैनल में काम करने वाले उन चार बिजली के मिस्रियों को, जिन्होंने अपनी जाने छो दी, क्या विशिष्ट कार्य सीपा गया था ? उनको उक्त कार्यस्थलों पर जाने का बिमल आदेश दिया था ?

अनुबन्ध II

बि इंडियन आयरन एण्ड स्टील कम्पनी लिमिटेड

नियोनोडिह जितपुर कोलिगरी

मुख्य यांत्रिकी संघातक के एक जाने की हालत से स्थायी आदेश (विनियम 134 के अधीन)

पंखा परिवार 1 (क) मुख्य यांत्रिकी संघातक के बन्द हो जाने की दशा में पंखा परिवार संघातन संस्थापनों के मुख्य दरवाजे तत्काल खोल देगा।

(ख) जब वह इप्टी पर हाजिरी लिपिक को इस रुकावट के बारे में उसके कारणों और उसकी परिस्थितियों को बताते हुए तुरन्त अधिसूचित करेगा।

हाजिरी लिपिक : 2 (क) पूर्वोक्त ढंग से अधिसूचित किए जाने पर हाजिरी लिपिक इस रुकावट के बारे में निम्नलिखितों को तत्काल सूचना भेजेगा :—

(i) आनपेटर को या पिट बाटम के प्रभारी अन्य किसी व्यक्ति या व्यक्तियों को (जो प्रत्येक प्रवर-प्रबन्धक, सहायक प्रबन्धक, ओवरमैन और भूमि के नीचे उपस्थित पर्यवेक्षी कर्मचारी-वर्ग) के प्रत्येक संस्थ को तुरन्त सूचना भिजवायेगा।

(ii) प्रबन्धक को (या उसकी अनुपस्थिति में खान की सतह पर उपस्थित वरिष्ठ अधिकारियों को) और इंजीनियर को।

(ख) हाजिरी लिपिक भी संघातक के रुकने का सही समय इस प्रयोजन के लिए विनियम 133(2) के अन्तर्गत रखी गई पुस्तिका में दर्ज करेगा।

तत्काल 3 (क) इंजीनियर ऐसे उपकरणों को छोड़कर जो किसी मुख्य अन्तर्ग्रहण वायुमार्ग में या निकटतम कार्यस्थल से 270 मीटर से अधिक दूरी पर स्थित हो भूमि के नीचे के सभी उपकरणों से विद्युत्तधारा को कटवाने की व्यवस्था करेगा।

(ख) भूमि के नीचे उपस्थित सभी व्यक्तियों को कार्यस्थलों से निकटतम मुख्य अन्तर्ग्रहण वायुमार्ग और निकटतम कार्यस्थल से कम से कम 270 मीटर की दूरी पर (को वायु रन्ध्र प्लेट के पास यदि वह निकटतम कार्यस्थल से 270 मीटर से कम दूरी पर है) वापस बुला लिया जाएगा।

अथ शेष : 4. यदि संघातक को बन्द होने के बाद एक घंटे के अन्दर-अन्दर पुनः चालू कर दिया जाता है और वह संतोषजनक रूप से कार्य करता है तो इप्टी पर हाजिरी लिपिक इसकी सूचना सभी सम्बन्धित व्यक्तियों को उपर्युक्त अनुच्छेद 2(क) में निर्धारित तरीके के अनुसार तत्काल भेज देगा। कोई ओवरमैन या अन्य सक्षम व्यक्ति विनियम 113 में निर्धारित तरीके से खान के सभी कार्यस्थलों की परीक्षा करेगा/करेंगे और यदि वे ज्वलनशील या हानिकारक गैसों से मुक्त और सुरक्षात्मक स्थिति में पाए जाएंगे तो व्यक्तियों को उन स्थानों से, जहां से उन्हें वापस बुलाया गया था, अपने अपने कार्यस्थलों की ओर जाने की आज्ञा दी जा सकती है।

शेष शेष : 5 (क) यदि संघातक अपने बन्द हो जाने के समय से एक घंटे के अन्दर अन्दर पुनः चालू नहीं कर दिया जाता तो भूमि के नीचे के कार्यस्थलों से सभी व्यक्तियों को वापस बुला लिया जाएगा।

फिर भी, इसलिए कि पर्यवेक्षी कार्यों में लगे अधिकारियों और व्यक्तियों, अनिवाय और अविलम्बनीय मरम्मत सम्बन्धी कार्यों में नियोजित पम्प परिवारों और व्यक्तियों को प्रबन्ध द्वारा (या उसकी अनुपस्थिति में खान के वरिष्ठ अधिकारियों द्वारा) भूमि के नीचे रखने की अनुमति दी जा सकती है यदि वह हम बारे में सन्तुष्ट है कि वे स्थान, जहां उन व्यक्तियों को काम करना है या जहां से उन्होंने गुजरना है, संघातक के इस ओर के दौगन पर्याप्त रूप से संचालित है, और वह इस आणविक लिखित रूप में आदेश देता है।

(ख) यदि संघातक को उसके रुकने के एक घंटे से अधिक समय के बाद पुनः चालू किया गया हो, तो खान के सभी कार्यस्थलों का किसी ओवरमैन या अन्य सक्षम व्यक्ति/व्यक्तियों द्वारा विनियम 113 में निर्धारित तरीके से जांच की जाएगी। काम के पुनरारम्भ सम्बन्धी आदेश प्रबन्धक द्वारा (या उसकी अनुपस्थिति में खान के वरिष्ठ अधिकारियों द्वारा)

केवल यह रिपोर्ट प्राप्त होने पर दिए जाएंगे कि संवातक संतोषजनक रूप से कार्य कर रहा है और यह कि सभी कार्यस्थल ज्वलनशील और हानिकारक गैस से मुक्त हैं और सुरक्षित स्थिति में हैं। कार्य को पुनः प्रारम्भ करने के ऐसे सभी आदेश विनियम 133(2) के अधीन रखी गई पुस्तिका में लिखे जाएंगे। प्रबन्धक इस पुस्तिका में लिखा जाने वाला कारण संवातक के गिरने का कारण वह समय जब संवातक ने अपने सामान्य कार्यकरण को पुनः शुरू किया और वापस थुलाए गए व्यक्तियों के ध्योरे भी लिखेगा।

**काम का पुनर्ारम्भ :** 6. (क) उपर्युक्त अनुच्छेद 4 और 5(ख) के अधीन निरीक्षण करने वाला सक्षम व्यक्ति निरीक्षण के परिणाम को विनियम 114(3) के अन्तर्गत रखी गई पुस्तिका में तत्काल लिख देगा।

(ख) जब तक ऐसी परीक्षा के परिणामस्वरूप कार्य-स्थल ज्वलनशील गैस से रहित न पाये जायें/विनियम 130(2) के अर्थ के अन्तर्गत विद्युत धारा का स्थिच नहीं खोला जायेगा।

**आदेशों को लागू करना :** उन आदेशों की एक प्रति फैन हाउस खान के कार्यालय, हाजिरी कभरे और हर पिट के ऊपरी और अधोभाग में लगा दी जायेगी। प्रमुख यांत्रिक हथौदा के बन्द हों जाने पर, सभी पदाधि-कारियों और संबंधित व्यक्तियों को अच्छी तरह से उनके कर्तव्यों में सुरक्षित कराने का व्यक्तिगत दायित्व प्रबन्धक का होगा।

### अनुबन्ध III

#### जाल न्यायालय द्वारा परीक्षित गवाही को सूची

प्रबंध संघ की ओर से :

1. श्री के० आर० धंदवाल, उप मुख्य खनन इंजीनियर और एजेंट चसताला और जीतपुर कोलियरियां
2. श्री के० एन० सुथरा, प्रवर प्रबन्धक
3. श्री टी० सी० लहरी, प्रवर इंजीनियर विद्युत/यांत्रिक
4. श्री आर० आर० खन्ना, तकनीकी विशेषज्ञ।

खान सुरक्षा महानिदेशालय की ओर से :

1. श्री एस० पी० गंगुली, खान सुरक्षा निदेशक (उत्तरी क्षेत्र)
2. श्री एन० के० सेन, उपनिदेशक (विद्युत)
3. श्री बी० एस० रैंक, उप निदेशक।

न्यायालय गवाह :

1. डा० ए० के० धोय, वैज्ञानिक
2. डा० टी० ए० वाजपेयी, वैज्ञानिक
3. श्री एस० रामानाथन, वैज्ञानिक
4. श्री आ० पी० शोहरी, सहायक इंजीनियर, जीतपुर कोलियरी
5. श्री एस० एम० कुण्डु, सहायक इंजीनियर, विद्युत/यांत्रिक, जीतपुर कोलियरी।

भारतीय राष्ट्रीय खान अधिनियम, सिरदार और शोट फायर मंच की ओर से :

श्री यू० के० खान, अधिनियम, जीतपुर कोलियरी

भारतीय खान श्रमिक संघ की ओर से :

श्री आर० पी० मिह, खनन सिरदार।

### अनुबन्ध IV

#### मन व्यक्तियों की सूची

क्रमिक	नाम	पदनाम
1	2	3
1.	मो० हथौदा	टिम्बर मिस्त्री
2.	कानिम मियां	यथोक्त

1	2	3
3.	रेयाज मिया	गम्पालक
4.	लालजीत मुईया	पम्प खलासी
5.	दरशारी जेस्वारा	यथोक्त
6.	ए० के० मोंडल	यांत्रिक फिटर
7.	वानामाली मेडिल	यांत्रिक फिटर मधवार
8.	मुजुंकर	यू०/जी० मजदूर
9.	लाहूमानि मिया	यथोक्त
10.	बांकू दाम	यथोक्त
11.	एच० के० अन्सारी	आन-सेटेर
12.	बिरेन्द्र नाथ पाला	प्रॉप मजदूर
13.	चन्द्रमा सतनामी	सामान्य मजदूर
14.	कुण सिंह	खनन सिरदार
15.	झारी माहुतो	प्रॉप मिस्त्री
16.	भगवन्त नुनिया	सामान्य मजदूर
17.	राजकिशोर तिवारी	सहायक विद्युत फोरमैन
18.	परमानन्द चौधरी	यांत्रिक फिटर मधवार
19.	जीत सिंह	टिण्डल
20.	शानेश्वर सिंह	यथोक्त
21.	जासवन्त सिंह	यथोक्त
22.	मकनूल अन्सारी	यथोक्त
23.	सिंगारा सिंह	यथोक्त
24.	सोमार गोपे	यथोक्त
25.	मोहन बाद्री	यांत्रिक फोरमैन
26.	मोहर यादव	यांत्रिक फोरमैन
27.	रेखा हरिजन	मशीन मजदूर
28.	जतन राजवार	टिम्बर मजदूर
29.	लाटू जास्वारा	टिम्बर मिस्त्री
30.	डी० पी० सिक्दार	खनन सिरदार
31.	एस० बी० कार	प्रधान अधिनियम
32.	जाहो बारहो	टिम्बर मिस्त्री
33.	जगन्नाथ सतनामी	सामान्य मजदूर
34.	बद्री मियां	संपालक
35.	खूबलाख	स्टोइंग फिटर
36.	सेबलाख गोरारी	संपालक
37.	तस्लीम अन्सारी	यथोक्त
38.	चुलन कुष्टार	फैम श्रमिक
39.	दन्वर देव यादव	स्टोइंग बैरिकेडिंग
40.	रोमो बबन राजभार	संपालक
41.	जयनारायण थिरकरमा	स्टोइंग बैरिकेडिंग
42.	एम० मेडिल	विजली मिस्त्री
43.	मुप्रिया सरकार	विजली-मिस्त्री
44.	दिन नारायण सिंह	यथोक्त
45.	अशित अन्सारी	विद्युत मददगार
46.	पाव सिंह	टिण्डल
47.	हरेश्वर यादव	यथोक्त
48.	बी० पी० श्रीवास्तवा	खनन मरदार

### अनुबन्ध V

#### प्रदर्शनीय वस्तुएं

- (क) प्रदर्श संख्या 1 यांत्रिक संवातन पुस्तक  
(ख) प्रदर्श संख्या 2 पंचा भस्वन्धी स्थायी आदेश  
(ग) प्रदर्श संख्या 3 18-3-73 को कार्य का वितरण।

- (घ) प्रदर्श संख्या 4 श्री आर० पी० मिह खनन मिरबार, का  
व्याग-पत्र ।
- (ङ) प्रदर्श संख्या 5 शव-परीक्षा रिपोर्ट (मौलिक)
- (च) प्रदर्श संख्या 6 फोटोग्राफ
- (छ) प्रदर्श संख्या 7 गुरआ लैम्प संख्या 25 बैलॉक्स टाईप  
जी०एल०-3 सम्बन्धी रिपोर्ट ।
- (ज) प्रदर्श संख्या 8 मतह पंथा जे० उ के कक्रे के व्योरे ।
- (झ) प्रदर्श संख्या क 1 } डी०जी०एम०एस० के पास जमा कराये  
संख्या क 2 } गये तीन कैप लैम्प जो बसुल किये गये ।  
संख्या क 3 }
- (ञ) प्रदर्श संख्या ग ब्रिटिश क्लाथ बसुल किया गया और डी०जी०  
एम०एस० के पास जमा कराया गया ।
- (ट) प्रदर्श संख्या ग बिक्रत टोप-बसुल किया गया और डी०जी०  
एम०एस० के पास जमा कराया गया ।
- (1) प्रदर्श संख्या घ प्राप्ति-बसुल किये गये और डी०जी०एम०  
एस० के पास जमा कराये गये ।

[सं० एन-1103/5/73-एम आई]

पी० आर० नयर, धनर सचिव

New Delhi, the 16th August, 1973

**S.O. 2502.**—In pursuance of section 27 of the Mines Act, 1952 (35 of 1952) the Central Government hereby publishes the report submitted to it under sub-section (4) of section 24 of the said Act by the Court of Inquiry appointed under that section by the notification of the Government of India in the Ministry of Labour and Rehabilitation No. N. 11015/1/73-M. I dated the 24th March, 1973 to hold an inquiry into the causes of, and circumstances attending, the accident which occurred on the 18th March, 1973 in the Noonodih-Jitpur Colliery (District Dhanbad in the State of Bihar).

"Report on the causes of, and circumstances attending, the explosion which occurred at Noonodih-Jitpur Colliery on the 18th March, 1973".

## I. INTRODUCTION

1.1. Government of India in Notification dated the 24th March, 1973, published in the Gazette of India (Extra-ordinary), appointed me to hold a formal enquiry into the causes and circumstances attending the accident which occurred in the Noonodih-Jitpur Colliery (District Dhanbad in the State of Bihar) on the 18th March, 1973. The following persons were appointed to act as assessors in holding the enquiry:

1. Shri Kanti Mehta,  
General Secretary,  
Indian National Mine Workers' Federation,  
Calcutta.
2. Shri Lalit Burman,  
Secretary,  
Indian Mine Workers' Federation,  
Dhanbad.
3. Prof. G. B. Misra,  
Indian Institute of Technology,  
Kharagpur.  
and
4. Shri M. B. Tawadey,  
Chief Engineer (Electrical & Mechanical),  
National Coal Development Corporation Ltd.,  
Ranchi.

1.2.1. On the 27th March, 1973, I inspected the mine accompanied by the assessors Shri Kanti Mehta, Shri Lalit Burman and Shri M. B. Tawadey. Prof. G. B. Misra could not be present on this date. He, however, visited the mine on three subsequent days, namely, the 30th and 31st March and the 1st April accompanied by Shri Tawadey, assessor. Shri Lalit Burman, assessor, also accompanied the party

on one of these days. Further detailed inspections over a longer period was carried out by one of the assessors, Shri Tawadey. As a result of these inspections by the assessors they decided to request the Central Mining Research Station, Dhanbad, to carry out certain investigations. These investigations were carried out by Dr. A. K. Ghosh, Dr. T. S. Bujpai and Shri S. Ramanathan of the Central Mining Research Station, Dhanbad.

1.2.2. On the 27th March, 1973, before leaving Dhanbad I decided in consultation with the assessors present to accept the offer of the President, Central Coal Mines Rescue Stations Committee, Dhanbad, to use his office for holding the enquiry, and I directed that an Office of the Enquiry Committee should immediately be started in this building. It was also decided that notices should be placed with the local press as well as with the important newspapers in Calcutta and Patna, and that a notice should be prominently displayed at the colliery office, Jitpur, calling upon interested parties to file their written statements between the 3rd and the 10th April, 1973. The notice so prepared also intimated the interested parties that the hearings of the Court of Enquiry would start in the Office of the President, Central Coal Mines Rescue Stations Committee, Dhanbad, from the afternoon of Monday, the 16th April, 1973 and that examination of witnesses would commence from the next day. Parties were requested to be present at the Court at 3.00 p.m. on the 16th April 1973 and to be ready with their witnesses for examination from the morning of Tuesday, the 17th April, 1973.

1.2.3. Shri M. B. Tawadey, assessor, was good enough to agree to supervise the office arrangements and to ensure that the notices were duly inserted in the newspapers as directed and also displayed in the colliery office.

1.2.4. In response to this notice the Directorate-General of Mines Safety filed a report of their enquiry alongwith copies of the statements made by the witnesses examined by them. Written statements were also filed:—

- (1) on behalf of the management of Noonodih-Jitpur Colliery;
- (2) on behalf of the Indian National Mine Workers' Federation and Colliery Mazdoor Sabha (INTUC);
- (3) on behalf of the Indian Mine Workers' Federation and the United Coal Workers' Union (AITUC);
- (4) by Indian National Mine Overmen, Sirdars and Shotfirers' Association (INMOSSA); and
- (5) by Shri R. K. Choudhry, who was acting Manager on the day of the accident and has been placed under suspension by the management.

A statement filed by the Colliery Mazdoor Sabha of India (CITU) dated the 8th April 1973, was received by post on the 17th April, 1973.

1.3.1. The Court started its hearing in public at 3.00 p.m. on Monday, the 16th April 1973. At the first sitting of the Court, it was decided that the Directorate-General of Mines Safety (DGMS), Indian Iron & Steel Co. Ltd. (ISCO) Management, the Indian National Mine Workers' Federation, the Indian Mine Workers' Federation, the Indian National Mine Overmen, Sirdars, and Shotfirers' Association (INMOSSA) and Shri R. K. Choudhry would be recognised as parties to the enquiry and allowed facilities as such to examine witnesses and otherwise take part in the proceedings.

1.2.3. No one appeared on behalf of the Colliery Mazdoor Sabha of India (CITU).

1.3.3. Shri Pritish Chanda filed an application on behalf of the United Trade Union Congress asking for permission to file a written statement in the Court though they had failed to do so within the due date. Shri Chanda made this request on the ground that his Union has not been able, for unavoidable reasons, to file their statement within the 10th April, 1973 as prescribed in the notice. It was decided that the party having failed to file the written statement within the due date and having even failed to ask for an extension of time within the prescribed period could not be allowed at this stage to file a written statement, specially as no valid reason had been put forward for the lapse. The application was accordingly rejected.

1.4.1. The issues for decision were thereafter considered and a draft questionnaire with nine questions framed to cover all the issues under consideration. The questionnaire was circulated to the parties and their comments invited at the next sitting of the Court.

1.4.2. As no objection to the draft questionnaire was received on the 17th April '73, it was deemed acceptable to all the parties. A copy of the questionnaire is given in Annexure-1.

1.4.3. Shri Kalyan Roy on behalf of the Indian Mine Workers' Federation stated that the Court should take into account the general standards of safety in the mines and other problems of a general nature in order to ensure that such accidents did not recur in future. He was informed that if he had any specific question to add to the draft questionnaire circulated he might please formulate them and submit the additional questions in writing to the Court. Shri Roy agreed to do so on the 18th April 1973 submitted certain additional questions for consideration. I considered these questions and I pointed out that the Court had been appointed under Section 24 of the Mines Act, 1952, to enquire into the causes and circumstances attending the accident at the Jitpur Colliery. While the terms of enquiry of the Court need not be construed rigidly, the Court could enquire only into such matter which had a bearing to this accident. To the extent the questions framed by Shri Roy were related to this accident they should certainly be taken into account. It would be open to the parties to frame their questions to the witnesses and to base their arguments on these additional questions, if they so desired provided the questions had some bearing on the accident under enquiry.

1.5.1. The Court held one sitting on each of the following days, namely, the 17th, 18th and 20th April '73. On the 19th April the Court held two sittings. During these five sittings all the witnesses produced by the parties (vide Annexure-2) were examined. In addition, the following were examined as Court witnesses :

1. Dr. A. K. Ghosh ;
2. Dr. T. S. Bajpai ;
3. Shri S. Ramanathan, Scientists, Central Mining Research Station, Dhanbad ;
4. Shri S. N. Kundu, Assistant Engineer, IISCO ; and
5. Shri O P. Ohri, Assistant Manager, IISCO.

1.5.2. Examinations of the witnesses were concluded on the 20th April '73 when the arguments commenced. The arguments continued on the 21st April. All the parties were allowed to argue their respective cases, and all parties were allowed to reply to any fresh points raised by a party arguing their cases subsequently.

1.5.3. With the conclusion of the arguments on the 21st April, the public sittings of the Court were declared closed.

## II. DESCRIPTION OF THE COLLIERY

### 2.1. General

Noonodih-Jitpur Colliery is situated near the southern fringe of the Jharia Coalfields, close to the river Damodar and is about 15 kms by road from Dhanbad.

### 2.2. Geological features

2.2.1. The property contains the complete sequence of seams of the Barakar stage of the Damodar series as generally found in the Jharia Coalfields from 18 seam downwards. 18 seam outcrops within the lease-hold area and other seams from 17 seam below lie at varying depths.

The following table shows the sectional details :

Sl. No.	Number of seam	Thickness (in metres)	Parting (in metres)
1	18	3	—
	—	—	57
2	17	2.4 to 3	—
	—	—	95
3	16A	2.4	—
	—	—	32
4	16	4.5	—
	—	—	67
5	15A	1.5	—
	—	—	98
6	14	9	—
	—	—	75
7	12	7.8	—

2.2.2. The seams in this area have a gradient of 1 in 6.5 to 1 in 7, the dip being towards South 60 degree West.

### 2.3. Mining

2.3.1. 18 and 17 seams were fully developed long ago by the Bord-and-Pillar method. These have been depillared in all areas free from surface features.

2.3.2. Currently, 16A, 16 and 14 seams are being worked. 16A seam which is 2.4 metres thick has been developed fully in pillars. A major portion has already been depillared. At present longwall extraction of pillars in conjunction with stowing is in progress in one panel and in another, conventional depillaring with stowing is going on.

2.3.3. The average output of the 16A seam is 300 tonnes/day.

2.3.4. 16 seam is 4 to 4.5 m thick and has also been developed in pillars. About half the area has already been depillared. At present, pillars are being extracted in conjunction with stowing in two panels, one by conventional method and the other by longwall method.

2.3.5. The average daily output from this seam is 500 tonnes.

2.3.6. 16A and 16 seams are of degree II gassiness.

2.3.7. The working of 14 seam is described in a subsequent section of this report. This seam is of degree III gassiness.

2.3.8. The average daily production from 14 seam is of the order of 750 tonnes.

2.3.9. Four shafts exist to exploit 14, 16 and 16A seams. J1, J3 shafts go down to 14 seam at 445 m and 443 m respectively. The other two shafts, i.e. J2 and Noonodih shafts go down to 16 and 16A seams at depths of 275 m, 244 m and 179 m and 145 m respectively. 16 and 16A seams are also connected by a drift.

2.3.10. J1 and Noonodih shafts are downcast and J3 and J2 are upcast. J1, J2 and J3 shafts are used for winding coal, men and materials in 14, 16 and 16A seams respectively.

2.3.11. The mine is worked on three-shifts basis. The first shift is from 8.00 hrs to 16.00 hrs, the second shift is from 16.00 hrs to 0.00 hours midnight and the third shift is from 0.00 hrs to 8.00 hrs.

### 2.4. Management

2.4.1. The Colliery was opened in November, 1917. The mine was initially worked by Messrs. Bengal Iron Co. Ltd. Subsequently, it was taken over by Messrs. Indian Iron & Steel Co. Ltd., successors in interest to Messrs. Bengal Iron Co. Ltd.

2.4.2. On 14th July, 1972, the management of Messrs. Indian Iron & Steel Co. Ltd., was taken over by the Central Government and since then, this Colliery, as a part of Indian Iron & Steel Co. Ltd., is being looked after by the Ministry of Steel & Mines through a Custodian.

2.4.3. The names of Senior Officials connected with the colliery are :

Chief Mining Engineer	Sri B. L. Varma
Dy. Chief Mining Engineer (Operations) & Agent	Sri K. R. Dhadwal
Dy. Chief Mining Engr. (Plg.)	Sri J. N. Ohri
Senior Manager	Sri K. L. Luthra
Senior Engineer	Sri T. C. Lahiri
Colliery Engineer	Sri K. N. Singh

2.4.4. At the Colliery level, the Senior Manager is assisted by a large team of Assistant Managers, a Ventilation Officer, a Safety Officer, a Training Officer, Assistant Engineers and other subordinate supervisory staff.

## 2.5 Employment & Output

2.5.1. At present, the Colliery has a daily employment of 2,750 persons of whom 1,586 persons including 950 in the 14 seam workings are employed underground.

2.5.2. The total output during the year 1972 was 3,93,427 tonnes.

## 2.6 Ventilation

2.6.1. The mine is mechanically ventilated by two electrically driven fans. One of the fan is installed at J3 shaft and has a capacity of 6,750 m<sup>3</sup>/min developing a water gauge of 45 mm. This fan has variable pitch blades in which the blade angle can be changed through from -6° to +10°. The blades are currently set at +4° angle.

2.6.2. The fan installed at J2 shaft is a double inlet SIROCCO Centrifugal fan having a capacity of 2,860 m<sup>3</sup>/min at 21 mm water gauge. This fan ventilates 16 seam workings exclusively.

2.6.3. J1 shaft acts as downcast for 16 and 14 seams and Noonodih shaft is the the downcast for 16A seam. J3 shaft is the upcast for 14 and 16A seams and J2 shaft, for 16 seam.

2.6.4. Plan No. 1 (inset) shows the ventilation arrangements of the colliery in general.

2.6.5. The fan installed at J3 shaft which has a capacity of 6,570 m<sup>3</sup>/min ventilates as stated before, 16A and 14 seams. Approximately, 3400 m<sup>3</sup>/min is circulated in the 14 seam and the rest in 16A seam.

2.6.6. Arrangements have been provided that in the event of stoppage of the fan in J3 shaft, the fan in J2 shaft provides partial ventilation to 14 seam workings by automatic opening of two separation doors in 16A seam J2 shaft level. No intimation of this arrangement has, however, been given to the DGMS nor their approval thereto sought.

## III THE 14 SEAM WORKINGS

3.1.1. 14 seam was opened in the year 1970. The development plan for this seam was drawn up as a part of a complete Project Report for re-organisation of Jitpur Colliery. The seam has been approached by deepening J1 and J3 shafts to a depth of about 444m. It has been developed for extraction by longwall method with hydraulic sand stowing. For purposes of development, sets of headings spaced at 25—30 m centres are driven. Headings are worked generally with coal cutting machines. For some period, a UNICORN heading machine was used for the development of L2 block. This machine was withdrawn a few months ago. The initial development is generally along the floor to a height of 2.4 m but where necessary, for ventilation or transport purposes, galleries have been driven along the roof or in the middle horizon.

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3.1.2. Plan No.1- shows the working of the 14 seam. Longwall blocks L1 and L2 have been fully developed. Longwall extraction has been planned in ascending slices of about 2.4 m thickness in conjunction with hydraulic sand stowing. In the panel L1, the first slice along the floor has already been extracted on the retreat and stowed. In this slice, a 135-m long dip-rise longwall face was worked. Coal getting was by means of a ranging drum shearer machine running on an armoured face conveyor and cutting a web of 685 mm.

3.1.3. Extraction of coal above the first lift has been started in two distinct slices worked simultaneously with stowing. The thickness of the middle slice is 2.1 m. and that of the top slice is 2.7 m. The lag between the two slices is 12 m.

3.1.4. The two slices are worked in double-unit faces along the strike on either side of a central gate. The faces of the middle lift are designated M1 and M2 and those of the top lift, T1 and T2. The faces have been opened 1 m above the sand stowed in the first lift extraction and have a gradient of 1 in 200 towards the central gate. They advance towards the rise.

3.1.5. Currently, above 250 tonnes of coal per day are obtained from these faces with an average employment of about 200 persons per shift.

3.1.6. Support in the middle slice is by friction props and link-bars. In the top slice, wooden props and wooden cross-bars have been provided. One triangular patch has been developed in rectangular pillars 25 x 30 m in size and galleries driven upto a height of 2.4 m along the floor to the rise. The extraction is by Bord and Pillar system with stowing.

3.1.7. In the L2 panel on the eastern side, the floor slice is being extracted along a 180 m long dip-rise longwall face with hydraulic stowing. The longwall face is supported by friction props and link-bars. The maximum span between the coal face and the sand pack is 6 m approximately. Coal getting at the longwall face is by a ranging drum shearer mounted on armoured conveyor.

3.1.8. The daily output from this longwall face is about 340 tonnes with about 200 persons employed per shift.

3.1.9. There is a dyke running almost north—south on the eastern fringe of 14 seam workings (see Plan No. 1). 7 faces have advanced upto the dyke. The dyke faces are drilled by compressed-air hammer drills and blasted with Soligex (P5) explosives.

3.1.10. Adequate arrangements have been made to collect drainage water from stowing and course it to the main sump.

3.1.11. Trackless mining has been planned for 14 seam and transport of coal is by a series of conveyors to a 300-tonne underground coal bunker provided near J1 shaft equipped with skip winding. Supply of materials to inbye districts, is done by diesel mine tractors and trailers.

## 3.2. Ventilation of 14 seam workings

3.2.1. The ventilation lay-out for 14 seam is shown in Plan No. 1.

3.2.2. According to the measurements on 28th February, 1973 carried out by DGMS, the total quantity of air in the main return of 14 seam was 3,400 m<sup>3</sup>/min. Of this, about one-third flowed through the L2 face.

Brief details of the main ventilation fan for 14 seam installed at J3 shaft are as follows :

2670-mm dia SIROCCO exhaust, MXYS Series, adjustable blades, Axial-flow, arranged for V belt drive, supplied by Messrs. Andrew Yule & Co. Ltd.

Range—4,300 to 7,000 m<sup>3</sup>/min at 70—80 mm w.g.

Motor—270 H.P., Fan Shaft RPM—418.

### 3.2.3. Auxiliary Fans

For coursing the air into development headings and some depillaring faces, ten auxiliary fans marked 1 to 10 on Plan No. 1 are installed in the workings of 14 seam. No. 6 fan ventilates a depillaring area while the rest ventilate development galleries. Fan No. 1 was not being used at the time of the accident.

3.2.4. Permission had been taken from the DGMS for installation of auxiliary fans.

3.2.5. Brief specifications of the three different types of auxiliary fans are given below :

Sl. No.	Make	Power	Amps	RPM	Capacity	Remarks
1.	Woods of Calchester Type KAR	23 HP	23	2950	428 cubic metres per minute	
2.	MAMC type AV3	12.5 KW	14 to 16.5	2910	180 to 370 cubic metres per min	
3.	MMMP	15 KW	14.8	2900	285 cubic meter per min	Only one fan of this type was being used.

### 3.3. Gas emission

3.3.1. As stated earlier, 14 seam was opened in the year 1970. Initially, development workings close to the shaft did not show excessive make of gas and the seam was placed in Degree II gassiness, i.e. the same as 16 and 16A seams. Occasionally, gas upto 2 per cent was indicated in roof cavities by methanometers, and upto 0.2 per cent in the general body of air at the development faces.

3.3.2. Subsequently, the rate of emission of gas had increased in 14 seam workings. A detailed survey carried out at the end of June 1972 by the DGMS showed an overall gas emission rate of 13.45 m<sup>3</sup> per tonne of daily coal production for the whole of 14 seam. This amounts to a methane emission rate of about 6 m<sup>3</sup>/min. As a result of the above-mentioned survey, 14 seam workings were placed in the third degree of gassiness by the DGMS, vide his letter No. 14554-C dated 31st July, 1972.

3.3.3. The dyke faces have been found to show a substantial make of gas.

3.3.4. However, gas emission records maintained by the management show a rather low rate of gas emission even of the order of 1 m<sup>3</sup>/t of daily production during the period prior to the accident.

3.3.5. To check on the rate of methane emission in 14 seam, the Central Mining Research Station, Dhanbad at the instance of this Court, took readings on the 12th April, 1973, and found a methane emission rate of 2.9 m<sup>3</sup>/min. In view of this reading having been taken more than three weeks after the face had remained idle, the methane emission rate could be taken to be twice as much on the day of the accident. A spot check by Professor G. B. Misra, Assessor on 30th March, 1973 at the top end of the L2 face indicated a methane concentration exceeding 5 per cent.

### 3.4. Stone dust barrier.

The position of the stone dust barriers in the 14 seam workings is shown on the ventilation plan (Plan No. 1). The total quantity of stone dust used in 14 seam during the year 1972 was 7075 quintals which works out at 4.5 kg. per tonne of coal raised.

### 3.5. Electrical apparatus in 14 seam.

3.5.1. Power is supplied to the 14 seam from the surface sub-station at 3300 V through a shaft cable installed in J3 shaft.

In the 14 seam, there are 8 sub-stations comprising H. T. switchgear, 200 KVA 3300/550 V Transswitch units comprising H. T. switchgear, dry-type flame-proof transformers, and 550 V switchgears.

3.5.2. The electrical apparatus installed in 14 seam are of flameproof construction.

3.5.3. The protective devices incorporated in the high-tension switchgear are as follows :

- (a) Overload protection.
- (b) Earth leakage protection.

Protective devices incorporated in the 550 V switchgear are as follows :

- (a) Under-voltage protection.
- (b) Overload protection.
- (c) Short-circuit protection.
- (d) Earth fault protection through core balance transformer—sensitivity set at 3 A.

3.5.4. It was observed that the general standard of installation of the electrical apparatus is of a reasonably high order, although in a few instances, investigations had shown that sufficient care had not been taken in so far as a few of the cable sealing boxes were without cable compound. Further, overload settings in respect of the few switchgears, which were examined, were found to have been set at ratings higher than required for duty conditions. In some instances, all the terminal bolts as provided were not affixed, thereby disturbing the flameproof features of the equipment.

3.5.5. Reference here should also be made to the fact that the workmen had been provided with all the tools necessary for maintenance and repairs. This was evident from the recovery of a typical tool kit from the working place of the electricians who lost their lives in the accident.

## IV. THE EXPLOSION

### 4.1. Circumstances leading to the Explosion.

4.1.1. It was reported that the accident had occurred at 20.00 hrs. on Sunday, the 18th March, 1973.

Normal production work was carried on in all the three seams in the Third shift on Saturday, the 17th March, 1973 extending from midnight to 08.00 hrs. on Sunday, the 18th March, 1973.

4.1.2. Sunday, the 18th March was a weekly day of rest. Also, Monday the 19th March, 1973 was a holiday on account of the 'Holi Festival'.

4.1.3. Such of the works which cannot be attended to on working days are detailed for execution on weekly days of rest. These include checking and maintenance of heavy items of underground equipment, extension or conveyers, erection of stowing barricades, attending to stowing ranges and re-setting of face and roadway supports.

4.1.4. It is also the practice that when the weekly day of rest is followed by a holiday, some major items of work which may extend beyond one day's working, are taken on hand. This is with a view to completing all such major works on off days and holidays so as not to loose productive man-shifts.

4.1.5. On the basis of the available evidence, I find that the following items of work were detailed for execution on Sunday, the 18th March, 1973 :

- (a) Maintenance of sand-stowing range.
- (b) Re-setting of face supports.
- (c) Attending to stowing barricades in L2 face.

- (d) Shifting of portable conveyor near the bottom gate of L2 panel.
- (e) Clearing of top gallery in line with I2 face.
- (f) Shortening and installation of the new drive head on the conveyor in D2 panel.
- (g) Support work at various places.
- (h) Maintenance of electrical gear.

4.1.6. Apart from the work listed above, the work of laying a main shaft cable in J3 shaft from 16 seam inset to 14 seam had also been planned and programmed for Sunday, the 18th March, 1973. This item of work was in the nature of a major permanent installation of the mine and had, therefore, been planned in consultation with all concerned, namely, Agent, Senior Manager and Senior Engineer.

4.1.7. With regard to the routine jobs of maintenance, 158 persons were sent in the first shift.

4.1.8. During the second shift commencing at 16.00 hrs. 87 workers were deployed in 14 seam in connection with routine maintenance jobs as listed above.

4.1.9. Ten workers were engaged in the cable laying job.

4.1.10. The cable laying job which was, as said earlier, in the nature of a major permanent installation of the mine, was to be carried out under the overall supervision of Shri T. C. Lahiri, Senior Engineer. According to the programme, the cable was to be put on a special manufactured cable reel kept in the cage at J 3 pit top in the first shift beginning at 8.00 hrs. In the process of transferring the cable to this reel, the two air-lock doors at J3 pit-top were kept open and the main ventilator on J3 shaft was stopped.

4.1.11. This work was being supervised by S/s. K. C. Mistri and S. N. Kundu, Assistant Engineers, Shri T. C. Lahiri, Senior Engineer was also present for some time in the morning at the colliery.

4.1.12. As the Senior Manager of the Colliery, Shri K. L. Luthra was on leave at this time, permission was obtained from the acting manager Shri R. K. Choudhury, to stop the fan in connection with the handling of the cable. The acting manager was informed that the fan would be required to be stopped for a period of 1-1/2 hrs. and permission to stop the fan for this period was given by him.

4.1.13. The work of transferring the cable on to the special reel kept in the cage was taken up at about 10.30 hrs. and 210 m of cable was actually transferred to the reel by 13.30 hrs., during which period the J3 main ventilation fan remained shut off. It should be observed here that although permission had been taken from the acting manager to stop the fan only for a period of 1-1/2 hours, it was actually stopped for three hours.

4.1.14. Standing orders under Coal Mines Regulation 134 (see Annexure II for details) issued by the management require that if a main mine ventilator is not re-started within a period of one hour from the time of stoppage, all persons shall be withdrawn from the workings belowground. Manager, may, however, permit persons engaged in supervisory duties, pump attendants and personnel employed on essential and urgent repairing works, if he is satisfied that the places where these persons are to work are adequately ventilated during the stoppage of the ventilator and gives an order in writing to that effect.

4.1.15. From the records, it is also seen that the main ventilation fan at J3 pit was re-started at 1.30 hours and shut down again at 14.10 hours, i.e. after working for 40 minutes.

4.1.16. No evidence was forthcoming as to the circumstances under which the main ventilation fan was again stopped at 14.10 hrs. Even on the question of who ordered this stoppage, the evidence before me is contradictory in nature. While the fan register states that the fan was stopped at 14.10 hrs. by the engineer, neither an engineer nor an assistant engineer, the acting manager or any of the assistant man-

gers accepted the responsibility before the Court for having ordered the stoppage. On the contrary, the Agent, Shri Dhadwal stated in his evidence that the fan had been stopped by Gopal Mistri, a blacksmith.

4.1.17. The second shift of Sunday, the 18th March, 1973 started at 16.00 hrs. and the workers were detailed to undertake various jobs in the 14 seam without apparently verifying if the main mine ventilator was working.

The workers detailed for the cable job resumed work at about 16.30 hrs. and the cable was lowered to 16 seam inset. The work was still going on when the explosion occurred.

4.1.18. The fan which was stopped at 14.10 hrs. continued to remain shut down till 20.10 hrs. (8-10 p.m.) although the fan log book shows that the figures 8.10 p. m. was overwritten by the figures 6-10 p.m.

4.1.19. It is thus seen that the main mine ventilation fan remained stopped for three hrs. between 10-30 hrs. and 13.30 hrs. It was then re-started and worked for a period of 40 minutes and again shut down from 14.10 hrs. till 20.10 hrs. i.e. a period of six hours. As a result of the shut down of the main ventilation fan, there was practically no ventilation in the 14 seam workings.

4.1.20. As stated in paragraph 3.3 the make of gas both at the top end of the I2 face and in the heading adjacent to the dyke is heavy. This, coupled with the fact of the prolonged stoppage of the J3 fan, resulted in the accumulation of methane in the galleries above the 3 east level as well as in the 1 west rise (main return) and part of D 2 panel, particularly in the 4 west rise. The auxiliary fans ventilating the 1 east and 2 east rises re-circulated the air in these two rises in the absence of the main ventilating current. Consequently, a uniform methane-air mixture is likely to have been formed in these rises which spilled over to the 5 east level connecting the main return and then to the rise side of the main return, as methane being lighter, has a tendency to accumulate on the rise side.

## 4.2. Explosion itself and rescue operations

4.2.1. The explosion is reported to have occurred a few minutes before 20.00 hrs. on the 18th March, 1973.

4.2.2. The main ventilation fan was re-started at 20.10 hrs. No evidence was forthcoming as to who ordered the re-starting of the fan.

4.2.3. Although no responsible senior officer of the management of HISCO was present at the pit-top at the time of explosion, Shri Lahiri, Senior Engineer was the first person to arrive at the mine at about 20.30 hrs. He was followed by Shri K. R. Dhadwal, Dy. Chief Mining Engineer (Production) & Agent, Jitpur Colliery who arrived at the pit-top at about 20.45 hrs.

4.2.4. The Dy. Director-General of Mines Safety and his officers arrived round about 21.30 hours.

4.2.5. Rescue teams arrived at about 21.15 hours.

4.2.6. The Dy. Director-General of Mines Safety immediately organised a local committee to conduct rescue operations.

4.2.7. Shri K. R. Dhadwal, Dy. Chief Mining Engineer (Production) and Agent and Shri Gyan Singh, Assistant Manager who had gone down the mine before the arrival of the rescue teams, had brought out six dead bodies from the east side of J3 pit.

4.2.8. The first rescue team came back to surface at 22.25 hrs. reporting that they had travelled upto the upcast shaft level from intake side and had found quite a few dead bodies in the upcast shaft level. The team had loaded 4 dead bodies in the cage at J3 shaft.

The second rescue team which had gone down via 13 pit came back at 23.45 hrs. and reported that 3 persons were

found dead on the top of the cage and 3 inside the cage and another was found dead in 16A seam inset.

4.2.9. On Monday, the 19th, the third rescue team was sent down at 00.45 hrs. to the west side. They found three persons lying here. There were signs of life in them. They rescued one of them applying oxygen by Novox and brought him out on a stretcher. They had also found one person near the downeast shaft-bottom whom they brought out with the help of NO VOX.

The fourth team was sent at 01.30 hrs. and they brought out two persons alive who had been earlier reported by the third rescue team. They also reported that 5 dead bodies were lying in the upeast shaft level.

The fifth rescue team was sent at 02.50 hrs. to the west side along the intake road of M1 and T1 panel. They spotted 5 dead bodies which had earlier been noted. They came out at 03.45 hrs.

The sixth team was sent at 03.30 hrs. to explore the east side working i.e. 12 panel. They went by the bottom gate road, across the longwall face and came out by the top gate road. They reported 10/11 persons lying dead at the face and near the top gate.

The seventh rescue team which was sent to the west side workings again had to return owing to adverse conditions. They found the atmosphere irrespirable, but no sign of fire was noticed.

The eighth rescue team was sent at 06.25 hrs. They did not find any dead bodies.

4.2.10. In the meantime, attempts were made to free the cage which was held up in J3 shaft. The cable partly fixed in the shaft was cut, and the cage brought to the pit-top.

4.2.11. Casualty figure and how it was arrived at.

According to form 'C' Register, 102 people went down 14 seam workings in the second shift of 18th March, 1973.

Of these, 12 persons did not go underground. The breakup is given below :

- (a) 3 persons S/S Chandrika Pandey, Niralal and Diljan were marked present, but got their attendance struck off after some time.
- (b) 4 more persons did not go underground, but did not get their attendance struck off. They were S/S Mahendar Singh, H. S. Rahman, Rup Narayan Singh and A. C. Dass.
- (c) 5 persons got themselves marked present, but did not go down the mine and worked on the surface. They were S/S Lalsar Gaur, Kameshwar Pandey, Jagtar Singh, Ramapad and Nagannath Passi. It thus appears that 90 persons went belowground.

The following irregularities were also noticed :

- (a) Shri Satnu Ram, Tyndal was marked present in 14 seam, but was at mid-inset of J3 pit.
- (b) Shri Ramkalap Bishwakarma was marked present in 16 seam 'C' Register, but actually went down 14 seam.
- (c) Shri Ghindu Singh, Tyndal was marked present in 16A seam 'C' Register while had actually worked in 14 seam.

So, there were actually 91 workers in 14 seam.

4(four) workers of Contractors who had actually gone down 14 seam, were not shown present in the form 'C' Register. They were S/S Jamuna Prajapati, Naresh Yadav, Prasadhyia Sao and Sitaram Yadav.

Taking all the above facts into account, 95 persons in all went down 14 seam during various hours of the second shift of 18th March, 1973.

Out of these 95 —

- (i) 23 came up to the surface before the explosion.
- (ii) 22 came out after the explosion either by themselves or with the help of co-workers; out of them Shri B. P. Shrivastava (D48) expired on 2nd April, 1973.
- (iii) 4 were rescued by various rescue teams. Thus 46 were left unaccounted for and were found dead. By the early morning 20th March, 1973, this figure was confirmed by the recovery of all the bodies.

In 16A seam inset of J3 shaft, two persons were affected out of whom Shri H. K. Ansari (D11) died of CO poisoning.

Thus the number of dead is as follows :

16A seam inset	1
Mining Sirdar (D48) who expired later	1
Bodies recovered from the underground and J3 shaft	46
	<hr/> 48 <hr/>

The position of the dead bodies and survivors and their places of work are detailed out in Appendix (Plan-2).

## V. INVESTIGATION INTO THE CAUSES OF THE EXPLOSION

5.1. Gas being present in the form of an explosive mixture, an explosion occurs only if there is an ignition. The matter for immediate consideration therefore, is how the ignition occurred. Normally, ignition can happen from any one or more of the following causes :

- (a) Underground fire.
- (b) Shot-firing.
- (c) Frequent sparks produced from coal cutting picks.
- (d) Naked flame and contrabands.
- (e) Frictional sparks from stone striking stone or other mettalic objects.
- (f) Flame-safety lamps.
- (g) Electric cap lamps, and
- (h) Spark from an electrical apparatus.

To determine which among the above possibilities, was the actual reason for the ignition, I propose to proceed by the process of elimination.

### 5.1.2. Underground fire.

Rescue teams had commenced work within 1-1/2 to 2 hrs. after the explosion. Nothing was found in the course of the visit of the rescue teams to suggest the occurrence of underground fire. No witness has spoken about it and no party asserts it.

### 5.1.3. Shotfiring.

The day of explosion being a weekly day of rest when no production is undertaken, there was no necessity for firing shot nor was any shot fired. Consequently, shotfiring cannot be connected with the cause of explosion.

### 5.1.4. Spark produced from coal-cutting machine.

As it was not a coal production day, the coal cutting machines were not in use. There could therefore be no spark from coal cutting picks. No party has suggested this.

### 5.1.5. Naked flame.

There is no evidence at all of smoking by a person or of presence of naked light. Accordingly, this cause has also to be eliminated.



We are thus left with the remaining three causes of ignition namely

- (i) frictional sparks,
- (ii) damaged flame safety lamps and electric cap lamps, and
- (iii) sparks from electric apparatus

#### 516 Frictional sparks

In the written statement the management has contended that the ignition was by friction of a roof girder falling over the metallic chute at the junction of 3 east rise level and 1 west rise. The dislodgment of the girder is alleged to be due to roof fall prior to the explosion. The management has also not ruled out the possibility that ignition may be due to either the flame of a damaged flame safety lamp or glowing filament of a damaged electric safety lamp.

517 The investigation carried out by the DGMS indicates that the probable cause of ignition is from a spark from an electric apparatus.

52 It is therefore necessary to examine in some detail the case as put up by the management and the investigation carried out by the DGMS.

521 In the written statement the management has made a passing reference to the cause of explosion stating that due to roof fall in 1 west rise there was heavy emission of gas which was ignited by a spark from the fallen girder.

522 While giving evidence before the Court of Enquiry, Shri R. R. Khanna, Technical Expert on behalf of the management clarified the management case.

523 Shri Khanna was of the view that the stoppage of the main mine fan was not responsible for the disaster to any significant extent.

524 In his evidence, Shri Khanna further stated that if, according to the report of DGMS, the make of gas was  $13.15 \text{ m}^3$  per tonne with a raising of 500 tonnes per day, then the make of gas for a raising of 700 tonnes per day would be about  $15 \text{ m}^3$  per tonne. Considering the volume of workings above 3 east rise level, Shri Khanna estimated that the gas emitted would be able to fill the entire volume of these workings with a uniform mixture of 17 per cent methane. Owing to the tendency of methane to layer, this could result in a heavy concentration in the galleries near the roof as a result of which the workers would have been asphyxiated even before the explosion. On this ground, he ruled out the possibility of accumulation of gas completely except at blind headings.

525 Shri Khanna estimated that natural ventilation would circulate a quantity of  $1,234 \text{ m}^3$  per minute (43,200 cfm) of air in the 14 seam at a pressure of 4.5 mm (0.18 in) water gauge even with a temperature difference of about  $3^\circ\text{C}$  ( $5^\circ\text{F}$ ) between the downcast and upcast shafts.

526 Further, in alternative arrangement for ventilating 14 seam existed in the event of stoppage of the main ventilation fan at J3 shaft. Since according to Shri Khanna, both of the above mentioned arrangements existed on the day of explosion and circulated enough air through 14 seam, no accumulation of gas could have occurred. The mine workings had been tested for gas by the Junior supervisory staff, viz. Overman and mining sundais about 11½ hrs prior to the explosion and no gas was recorded. There was no reason to disbelieve what has been found by the junior supervisory staff.

527 Referring to Regulation 145 (a) (1), Shri Khanna stated that the gas concentration in the main return of a mine can go upto 0.6 per cent without the management being required to check for gas for a month. Between 0.6 and 0.8 per cent it need only be checked weekly and beyond 0.8 per cent daily. The same regulation stipulates that at a gas concentration of 1.25 per cent all electricity in the mine is to be cut off. In view of this the quantity of air in the 14 seam can be allowed to go down to  $857 \text{ m}^3$  per min (30,000 cfm) and even so, the management needs to test the

gas only once in a month. It must be  $5/0 \text{ m}^3$  per min (20,000 cfm) to  $857 \text{ m}^3$  per min (30,000 cfm) before the management is required to test the gas weekly and it has to go down below  $570 \text{ m}^3$  per min (20,000 cfm) before the gas is checked daily. It may go down to  $340 \text{ m}^3$  per min (12,000 cfm) before the management may cut off electric power. Such conditions, according to Shri Khanna had never existed in the mine.

528 To a specific question that if there was no accumulation of gas, from where could the gas come so suddenly, Shri Khanna on behalf of the management, stated that there was a sudden onrush of gas due to a large roof fall in the 1 west rise between 3 east rise level and 5 east level which dislodged about 700 tonnes of coal. Expounding his theory, Shri Khanna stated that the barrier between 11 face and the 1 west rise heading had been subjected to front abutment pressure of the 11 face. Though the front abutment normally does not extend beyond 12 metres from the face, Shri Khanna pointed out that there have been instances of the disturbed zone extending upto 90 metres. According to Shri Khanna the abutment pressure in this case had caused crushing of the roof coal in the 1 west rise as evidenced by the necessity to replace the three-piece steel sets with steel arches. Methane had accumulated under pressure in the cracks in the fractured roof of the 1 west rise gallery and was suddenly released as a result of the roof fall.

529 According to Shri Khanna the gas so released, spread in the mine in a fine layer by an air blast caused by the fall at a very fast speed of 1200 metres per minute. Almost simultaneously, a spark occurred at the transfer point of the 3 east rise level gate belt to the main trunk belt due to friction between a falling roof girder and the spiral chute. The flame travelled near the roof to the east until it might have met some gas accumulated at the extreme end of the drivages.

This gas then exploded with the forces now travelling westwards. The flame from the point of ignition also travelled westwards, as is shown by the fact that there was a lingering flame in the 4 west rise and also in 1 and 2 east rises.

5210 Shri Khanna also referred to the damage to a portion of the main high tension PILCDWA cable supplying power to L2 district laid in 3 east rise level between 1 east rise and 2 east rises which had indicated a flash and stated that further investigation would be necessary to establish its relevance to the explosion.

5211 To sum up, it is the management's case that there was a release of gas consequent to roof fall in the 1 west rise. The gas was immediately ignited by a frictional spark between a falling girder and the chute at the transfer point of the 3 east rise level conveyor on to the main trunk conveyor in the 1 west rise.

531 The case as put forward by the management was examined in some detail.

532 The contention of Shri Khanna that the accumulation of gas would have asphyxiated the workmen in the rise workings before the explosion had occurred is untenable since methane being lighter than air, has a natural tendency to travel up rise workings and layer itself there, with the highest concentration occurring near the roof only. Asphyxiation through lack of oxygen can occur only at very high concentrations of methane. It is quite possible that gas could have accumulated in 4 and 5 east rise levels to the extent to cause the risk of explosion without its concentration in the 3 east rise level being high enough to cause asphyxiation of the electricians working there. Shri Khanna on being questioned was not in a position to spell out what could be the distribution of the concentration of methane in the different rise workings at different levels of galleries.

533 It has been argued by Shri Khanna that enough quantity of air was circulated through the 14 seams by the alternative system of ventilation through J2 shaft and natural ventilation.

There is a set of two ventilation doors provided between J2 and J3 shafts in the 16A seam (see plan No. 1). The doors open towards the J2 shaft and are thus kept closed by differential pressure when both J2 and J3 fans are running. In the

event of stoppage of the J3 fan, these doors open automatically, thus providing a possible ventilation circuit to the 14 seam, through J1 shaft, the lower part of J3 shaft upto 16A seam and J2 shaft. However, J2 fan in such a case handles air through four splits:

- (a) Noonodih shaft and 16A seam,
- (b) J1 shaft, 16 seam and J2 shaft,
- (c) Upper part of J3 shaft, down to 16A seam which now acts as an intake, and
- (d) J1 shaft, 14 seam and the lower part of the J3 shaft.

Of these splits, the lowest resistance will be that of split 'c' particularly when the surface air-lock doors are opened as happened in this case. The 14-seam split (split 'd') will have the maximum resistance and hence is likely to circulate a very meagre quantity of air, if at all. No air measurements were taken to establish the efficacy of this system of ventilating the 14 seam in the present state of working.

Indeed the advisability of installation of such an automatic alternative system of ventilation is doubtful. Apart from not being able to ensure enough ventilation in the 14 seam it is bound to reduce the normal ventilation of the 16 seam.

5.3.4. Natural ventilation pressure which depends much on the surface air temperatures and humidity is likely to be negligible. It may even have acted in the reverse direction on the fateful day, judging from the temperatures which were likely to have prevailed at the mine on the day. Shri Khanna's contention that there would be at least a difference of 3°C between the upcast and the downcast shaft temperatures does not stand scrutiny.

5.3.5. Shri Khanna's contention that 340m of air per minute was sufficient to ventilate the 14 seam, and that it was not necessary to cut off electric power cannot be accepted, because this quantity does not satisfy the requirements regarding velocity of air at the face. One cannot but see the necessity of methane layering occurring at the faces with such small quantities of air.

5.3.6. Shri Khanna's postulation of a sudden large roof fall in 1 west rise bringing down sufficient gas to cause the explosion is far fetched and founded on imponderables.

It is difficult to visualise why the 1 west rise which had been standing for quite some time adequately supported by rectangular steel support of sufficient strength set one metre apart, should suddenly collapse over such a large portion (60 metres) along 1 west rise without any apparent reason.

5.3.7. As to the accumulation of gas underpressure above the roof of 1 west rise, it is difficult to visualise how this gas could have remained under pressure instead of being drained off through the goaf to the rise and into the return air, particularly when extraction of L1 bottom lift had been completed quite some time back.

Dr. Ghosh of Central Mining Research Station, in his evidence has stated that hardly 10 per cent of gas is retained in exposed idle surface of coal after 3 months, and that an exposed idle surface retains only 4 per cent to 5 per cent gas in the roof coal after six months. Since development of 1 west rise level is fairly old, it was Dr. Ghosh's opinion that the gas retained by the roof coal of this rise would not be enough to cause an influx of gas leading to a risk of explosion.

5.3.8. Shri Khanna has ascribed the possible source of ignition due to frictional spark between metals. Though this is a possible source of ignition, its role in the present case can be accepted only in conjunction with the theory of gas emission propounded by Shri Khanna.

5.3.9. Shri Khanna has cited three instances of explosion of methane by such frictional sparks from collieries in the United Kingdom. The Court has examined the enquiry reports on these three cases, and notes that in all the three cases, the gas had accumulated in pre-existing cavities at the roof of galleries which had not been adequately ventilated. Hence the present postulate of Shri Khanna cannot draw a parallel from these instances.

5.3.10. Shri Khanna has mentioned that the conveyor had not been shifted out of alignment under the fall in 1 west rise. Although only a small part of the fall had been cleared by the time the enquiry was completed, one of the Assessors, Prof. G. B. Misra visited the spot and found evidence of the conveyor frames having been disjointed and shifted laterally to the extent of 150 mm.

5.3.11. Regarding damage to the portion of H.T. Cable mentioned by Shri Khanna, it was found on investigation by one of the Assessors, Shri Tawadey that this cable was properly supported and that there was no external mechanical damage. The inner lead sheathing was found damaged at places near the point where flash had occurred. The damage to the lead sheathing might have been caused during transport and handling of the cable prior to installation. This weak point in the cable appears to have given way, causing a flash between one face and the earth and this could be consequential to what happened in the drill panel described later as a source of ignition.

5.3.12. The case as put forward by the management, thus appears to me far-fetched and untenable.

#### 5.4. The Case as put forward by the Directorate-General of Mines Safety.

5.4.1. In their deposition, the DGMS have stated that the make of gas was sufficient to cause accumulation of gas conducive to the formation of an explosive mixture when the main mine ventilator had been stopped. Taking into account only the second instalment of the stoppage of the fan for six hours, viz. from 14-10 hrs. to 20-10 hrs. they have estimated that about 2200 m<sup>3</sup> of gas could have accumulated. They have further estimated that about 1500 m<sup>3</sup> of gas could be sufficient to produce an uniform 10 per cent mixture of methane and air in the rise workings involved in the explosion. The DGMS have argued that even an accumulation of the order of 300 m<sup>3</sup> could produce an explosion of sufficient violence. As such, there was accumulation of gas creating risk of explosion.

5.4.2. As a result of re-circulation by auxiliary fans, a uniform mixture of gas was obtainable in the workings which created further risk of explosion in the workings.

5.4.3. Regarding the source of ignition, the DGMS are of the view that the explosion was caused by a spark from an electric apparatus and have ruled out other possibilities of ignition of gas.

5.4.4. During the course of investigation after the explosion, the officers of the DGMS had noticed a 'Victor'—make double-unit drill panel lying in an open condition in the top gate of L2 face. The front cover of the drill had been opened out and kept on the ground. The incoming paper-insulated double-wire-armoured cable had been pulled out from the terminal box and the drill panel thrown over 1 m. from its original location. Dead bodies of three electricians and a helper with severe burn injuries were also found lying adjacent to the location of the drill panel in the top gate of L2 face. Accordingly, it has been concluded by the DGMS that the site of ignition was near the drill panel in the top gate of L2 panel.

5.4.5. Based on these observations, DGMS have proceeded to explain the direction of travel of the forces of flame as evident from the deposition of soot and devolatilised coal as well as from a survey of the position of fallen roof supports and displaced machinery.

5.4.6. In explaining further the travel of forces on behalf of DGMS (vide plan No. 3), it was stated that since the origin of explosion was adjacent to the junction of the top gate and L2 longwall face on the east side, the flame had travelled from near the drill panel upwards to 5 east level along 6 east rise when it developed into an explosive force.

5.4.7. A part of this force travelled down the 6 east rise towards L2 longwall face consuming a limited amount of accumulated gas along its path before losing its explosive force somewhere near the bottom gate.

5.4.8. The main explosive force along with the flame travelled westward along 5 east and 4 east levels, a small part also travelling westward in the 3 east rise level. The

forces in 5 east and 4 east levels were stronger than in the 3 east rise level as proved by the fact that stoppings in different rise galleries between 3 east and 4 east rise levels have been blasted towards the dip and the debris deposited towards the dip side of the 3 east rise level gallery. The flame travelling in 4 east level ignited the accumulated gas in 2 east rise.

5.4.9. The flame which travelled along 5 east level to the west ignited the accumulated gas in 1 east rise. In the opinion of DGMS there appears to be no confirmed evidence of coal dust having taken part in the explosion in 1 east rise, although some coke particles were found presumably due to lingering of the flames. The flame travelled further westwards and up along 1 west rise, due to methane layering in the whole of this return airway, ultimately finding its way into D2 panel by breaking open the stopping between 1 west and 2 west rises of 6 level, and travelling along D2 face. From D2 face, it had shot up to the blind heading, 4 west rise. The flame appears to have lingered here for a considerable period and there is some evidence of coal dust having taken part in the explosion in this area, although in a very localised manner. The violent forces then travelled eastwards and ultimately along the return airway towards the dip. This caused damage to the supports in the return airway, which were dislodged leading to heavy roof fall.

5.5.1. The Indian National Mine Workers' Federation and the Indian Mine Workers' Federation are in general agreement with the views expressed by the DGMS and hence the evidence and argument of the DGMS were studied in detail.

5.5.2. The technical assessors have examined the evidence of direction of travel of the flame, and the violence underground over a length of time and they agree with the general direction of travel of flame and violence as suggested by the DGMS. Samples of coal dust, deposited coke and soot were collected by the Scientists of the General Mining Research Station, Dhanbad. The analysis of coke deposited on timber indicates only partial devolatilization. Some gas samples had been collected by the Central Mining Research Station and the rescue teams from headings where they had not been disturbed by post-explosion ventilation. The analysis report indicating the Jones and Trickett ratio as well as the C/H ratio for the different samples suggests only partial participation of coal dust, or rather of volatiles liberated from the coal dust in the 4 west rise.

5.5.3. It can thus be concluded on the basis of analysis of both coke samples and gas samples that coal dust took very little part in the explosion. Participation of coal dust in a big way was averted because of—

- (a) adequate stone dust barriers having been provided in the mine and their successful operation at the time of explosion;
- (b) the stock of fresh air having been exhausted by the methane explosion.

5.5.4. The Court is satisfied that enough gas would have accumulated in the rise workings of the mine to create the risk of explosion.

5.5.5. Regarding the source of ignition, the Court agrees with the findings of the DGMS. At the instance of Shri Tawadey, Technical Assessor, the drill panel in question was examined by the Central Mining Research Station. The following were the findings :

Tests of the Victor-make double-unit Drill Panel recovered after explosion from the top-gate of L2 Panel at Jitpur Colliery.

#### (a) Physical Examination.

1. The fixing studs of the incoming terminal chamber and isolater chamber were found in order.
2. Since the main cover of the drill unit was recovered from the mine separately, it has not been possible to establish how many bolts were fixed on to the cover.
3. No sealing compound was seen in the incoming cable-entry box.

4. A cut piece of 5-core flexible trailing cable brought along with the drill panel was found partially damaged. The damage, however, was within the flameproof plug.

The drill panel was further examined in details for its operation and as a result of investigation, it was found that—

1. Contractor coils were in healthy working condition.
2. The drill cable with the drill was tested and were found satisfactory.
3. Functioning of the earth leakage relay was checked by creating an artificial earth fault and was found to be in operating condition. Only the trip bar was not found in position.
4. The isolating switch (3-Pole) was not closing at 2 poles and it appeared to be in this condition before the explosion. The isolater handle was missing.
5. The miere-switch of the drill was tested and found to be in healthy operating condition.
6. On examination of the 550 V cable-terminal box, the findings were as follows :

- (a) The 3-pole cable terminal fibre block was fixed by only two bolts as against four.
- (b) Streaks of black soot was seen on the black flange.
- (c) One of the two bolt heads fixing the terminal block was disfigured apparently due to fusion and heat.
- (d) Inner face of the chamber had prominent marks of sprinkles of blast abrasion.
- (e) One of the three terminal fixing brass stude was disfigured due to fusion.
- (f) The incoming cable leads had prominent marks of fusion.
- (g) The taped leads were much longer than required.

The drill panel was subjected to tests to determine that in view of the flameproof features whether a spark inside the incoming cable terminal box or the isolater chamber could ignite the surrounding atmosphere. As a result of the tests, it was found that the electrical sparks both in the incoming terminal chamber and isolater chamber were communicating and igniting surrounding atmosphere outside.

5.5.6. The DGMS in their argument have pointed out that with an air blast resulting from a fall in the 1 west rise, it is not possible to have an unbroken layer of methane near the roof so as to conduct the flame from the point of ignition suggested by the management to the extreme limits of the east side workings. The Court agrees that had there been an air blast, it would have caused turbulent defusion of methane into the general body of air.

5.5.7. The bodies found at the southern end of the fall referred to had burn injuries. There has been no convincing explanation offered as to how an explosion caused by a fall in the 1 west rise and with the flame travelling to the east could have caused the burn injuries on these bodies, particularly when the southern part of the rise in question had been almost completely blocked by the fall. On the other hand, severe burn injuries on the bodies of the three electricians and a helper found near the drill panel in question indicates the source of ignition to have been in the drill panel.

5.5.8. Thus from an examination of all the evidence available, the Court concludes that the fall in the 1 west rise is more likely to be a result of the explosion rather than the cause of the explosion.

5.5.9. As I have stated earlier, the main ventilation fan was restarted at 20.10 hrs. i.e. after the explosion. There is an evidence to show who took the decision to restart the fan. It has been contended on behalf of the Unions that the main ventilation fan should not have been restarted at this stage, and that if it had not been, many lives might have been saved. The witness on behalf of the DGMS on the other hand, was of the opinion that the restarting of the fan was beneficial and that if it had been started a little earlier, it might have saved a few more lives.

An examination of the conditions underground after the explosion showed that the airlock doors at the J3 shaft level had been forced open by the explosion. With these doors open, the air circulated by the main ventilation fan short-circuited and went directly from the intake to the return-shaft. This resulted in the air at the upcast bottom (J3 east) being cleared to some extent of noxious gases. I am, therefore, of the opinion that in the circumstances that existed after the explosion, the switching on of the main ventilation fan had a beneficial effect as claimed on behalf of the DGMS. If the circumstances had, however, been different, the switching on of the fan might have had adverse effect as contended by the Unions. The decision whether or not to switch on the fan immediately after an explosion of this nature is a difficult one, and should be taken by a responsible officer after taking into account whatever information is immediately available about the conditions underground.

## VI. SUMMARY OF CONCLUSIONS

6.1. Due to prolonged stoppage of the main ventilation fan for three hours in the first shift and again continuously for six hours in the second shift and in view of the gassiness of the mine and the fact that several headings have touched the dyke from which there is substantial omission of gas, there appears to be no doubt that accumulation of gas had occurred.

6.2. Working of a number of auxiliary ventilators in the 14 seam workings especially when the main ventilation fan was shut down, accentuated the conditions, by forming a uniform explosive mixture of gas through recirculation.

This created risk of explosion.

6.3. The accumulated gas was ignited.

6.4. In light of the evidence of finding a drill panel unit in the top gate of L2 panel with its main cover opened, as also bodies of 3 electricians and one helper near the drill panel, it can be concluded that some work was being done on the drill panel unit. Subsequent investigations on the drill panel have confirmed that work on the drill panel unit was being done without ensuring that power supply was isolated at some other place on the input side. The arrangements to isolate power at the drill panel had been rendered ineffective due to the absence of a mechanical isolator in the drill panel, which was missing. The possibility was thus created of a spark from an electric apparatus viz., the drill panel unit igniting the surrounding atmosphere containing accumulation of gas.

6.5. There was thus a fire-damp explosion at about 20 00 hrs. on the 18th March, 1973.

6.6. Although signs of partial coking were found at a few places at the time of inspection of the mine which would indicate that coal dust had taken some part, I believe that the role of coal dust was very limited.

6.7. The explosion was of appreciable violence causing dislodgment of roof supports and shifting of belt conveyor structures, affecting position of machinery, switchgears etc. in some cases over appreciable distances.

6.8. The explosion also caused widespread roof fall in the mine owing to dislodgment of support and vibrations. The roof-fall in 1 west rise between 3 cast rise level and 5 cast level appears to have been caused due to dislodgment of rectangular steel roof supports resulting from the force of explosion travelling along that gallery.

## VII. VIOLATIONS OF RULES AND REGULATIONS

### 7.1. Coal Mines Regulations, 1957.

#### 7.1.1. Regulations 133(2) provides that

"The installation and maintenance of every mechanical ventilator shall be supervised and controlled by a competent person appointed for the purpose; and except in an emergency, no person shall start, stop,

remove or in any way alter, repair or interfere, with any such ventilator, except by or on the authority of the manager or other official authorised in his behalf. Particulars of every such stoppage or alteration, together with the duration thereof, shall be recorded in a bound paged book kept for the purpose."

In this event the main mine ventilator was shut down in the second instance at 14-10 hrs. without any authority from the manager, thus violating the provisions of this regulation.

#### 7.1.2. Standing orders required to be issued by the manager of the mine under Regulation 134 provides that

"all men, except those engaged on essential and urgent work, shall be withdrawn from the mine in the event of stoppage of the main mine ventilator for a period exceeding one hour; also that the engineer shall arrange to have the electric current cut off from all apparatus below ground, except from those located in the main intake airway or at a distance not more than 270 m from the nearest working place."

In this instance, neither of these requirements was complied with.

#### 7.1.3. Regulation 137(1) states that—

"Every auxiliary fan :—

(a) shall be installed, located and worked in such a manner that :—

(i) a sufficient quantity of air shall, at all times, reach it so as to ensure that it does not recirculate air; and

(ii) there is no risk of the air which it circulates being contaminated by any substantial quantity of inflammable or noxious gases or dust."

In this case, the first provision has been violated by the stoppage of the main mine ventilator and the second by the continued operation of the auxiliary fans recirculating the inflammable gas emitted from the headings they ventilate.

#### 7.1.4. Regulation 140(4) states that—

"Whenever there is any interruption of ventilation by the stoppage of any mechanical ventilator, including an auxiliary fan, installed belowground, the official in charge of the mine or part shall immediately take precautionary measures including withdrawal of men, if necessary, against dangers that may arise out of non-compliance with the provisions of Regulation 130 to restore the ventilation in the mine or part."

Regulation 130 provides for certain standards of ventilation to be maintained at all times. In this particular case, neither were the men withdrawn nor was any attempt made to enforce the standards of ventilation as provided under Regulation 130.

### 7.2. Indian Electricity Rules, 1956—

#### 7.2.1. Rule 126 of Indian Electricity Rules, 1956 provides that electricity should be cut off—

"(i) during the period required for examination or adjustment of the apparatus which would necessitate the exposing of any part liable to open sparking :

or (ii) if in any part of the mine, the percentage of inflammable gas in the general body of the air is at any time found to exceed one and one-quarter percent.

The disconnection and re-connection of the supply shall be noted in a log-sheet and reported to the Inspector."

This was not complied with.

7.2.2. Rule 122(c) (ii) stipulates that the cable end should be efficiently sealed so as to prevent diminution of its insulating properties.

In a few cases which were inspected, the cable terminal boxes were not found to be filled with cable compound thus violating the provisions under the above rule.

### 7.3 The Mines Act, 1952 and the Rules framed thereunder

Sub-sections (4) and (5) of Section 48 of the Mines Act, 1952 provide that—

"For every mine other than a mine which, for any special reason to be recorded, is exempted by the Central Government by general or special order, there shall be kept in the prescribed form and place separate registers showing in respect of each person employed in the mine belowground.....

- (i) the name of the employee,
- (ii) the class or kind of his employment,
- (iii) where work is carried on by a system of relays, the shift to which he belongs and the hours of the shift."

It also provides that registers of persons employed below-ground shall show at any moment the name of every person who is then present belowground in the mine. The relevant rule prescribes the form of the register which has been referred to as Form C and prescribes where the register should be maintained.

In paragraph 4.2.11 of this report I have noted that 4 (four) workers of the contractors who had actually gone down 14 seam were not shown present in Form C register. This constitutes a violation of the Section of the Mines Act referred to above and of the rule framed thereunder.

## VIII. RESPONSIBILITY OF THE MANAGEMENT

### 8.1. General Standards of Management of the Mine

The management of a mine, as of any other organisation, depends not only on the number of men and the standard of materials it employs but also on certain intangible arrangements of leadership and co-ordination. From the point of view of men and machinery the arrangements in this colliery are satisfactory as will be evidenced by the following facts :—

- (i) A sufficient number of qualified engineering staff has been provided to look after the various operations in the mine.
- (ii) The machinery are of good standard and have been fairly well maintained.
- (iii) Arrangements have been made for adequate ventilation of the workings in normal circumstances by the provision of a large main mine ventilator. Auxiliary fans for ventilating headings have also been provided, wherever necessary.
- (iv) Adequate number of stone dust barriers have been provided in different parts of the underground workings. As a matter of fact it was these stone dust-barriers that limited the extent of the violence and damage when the explosion occurred.
- (v) Modern systems of support by steel sets and arches in roadways, and friction props at the face have been provided.

8.2. Nevertheless, the Colliery Organisation has not functioned smoothly, and lack of communication and coordination between officials of different departments and at different levels has left much to be desired. Even before the day of the accident it was obvious that there was not sufficient liaison between the mining staff and the engineering officials. Though the work of fixing and lowering the cable had been planned by the Senior Engineer and his officials with the full knowledge of Shri Dhadwal, the Agent and some of

his officers, it was obvious that information about the details of the plan and the manner of its implementation did not percolate down to the junior officials on the mining side. Even when the work was actually taken in hand the mining officials had no precise knowledge as to how long the fan would have to be shut off. In fact, if they are to be believed, they did not even know if the fan had actually been shut off and if so, by whom. Communication not only between one department and another but also within a department was weak.

8.3 An attitude of complacency towards the safety measures also developed in the organisation, not suddenly on the day of the explosion, but over a period, and the top leadership was not strong enough to reverse this trend. An inspection of the fan register which was exhibited during the enquiry (Ext. 1) shows that from January 1, 1973, i.e. within less than three months of the date of the occurrence, the main ventilation fan remained stopped on Sundays for more than an hour each time on four occasions for maintenance purposes and on one occasion for power failure. In addition, it remained stopped twice on week days during this period for more than an hour each time on account of power failure.

There is no indication that on any of these occasions, except once, any attempt was made to withdraw men from underground. The register of withdrawal reports under Regulations 114, 119 and 142 which was seized by DGMS, is completely blank and shows no withdrawal on any of these days. Only on 28-2-1973 there is a record by the Safety Officer in the Under/Assistant Manager's diary that he had "arranged for withdrawal of men and stoppage of underground fans due to frequent power failure". It is reasonable to doubt that on all these occasions, except on the one occasion referred to, nothing was done to withdraw the men working underground. It is fortunate that nothing untoward happened on these occasions, but there is no doubt that these stoppages, whether enforced or by desire, not only created a feeling of complacency, but also built up a tradition, so to say, for the main fan being shut off without the necessary formalities and without taking the necessary precautions. This was certainly a dangerous practice in a gassy mine which is comparatively highly mechanised and which has, in particular, electrical equipment on the return side.

8.4 The responsibility for the organisational deficiencies pointed out must be accepted by the head of the mining organisation, namely, the Chief Mining Engineer, Shri Verma, while it may not have been possible for him to be in touch constantly with the day to day administration of all the collieries in his charge, it was certainly for him to correct such organisational deficiencies as lack of co-ordination and communication. In particular, he cannot escape responsibility for the dangerous practice which had developed of shutting off the main ventilation fan for more than an hour at a time without complying with the requirements prescribed by the relevant Regulations. As Chief Mining Engineer, he should have noticed this practice and put an end to it.

### 8.5 Failure of Management on the day of occurrence

8.5.1. In a preceding section I have outlined the circumstances in which the accident occurred, and have pointed out the violation of rules and regulations which were committed in the process. In the present section, at the risk of some repetition, I propose to relate these circumstances to the specific failures of the management.

8.5.2. On the 18th March 1973, the day of occurrence, it is admitted that the main ventilation fan was shut off at 10.30 hrs. and restarted three hours later at 13.30 hrs. After running the fan for 40 minutes it was shut off again at 14.10 hrs. though all the management officials examined by the Court denied personal knowledge as to who ordered this shut off, and in fact whether the fan was shut off at all. Shri Dhadwal, the Agent, however, agreed that the record in the log-book should be accepted. This record shows that the fan was shut off till 8.10 p.m. (20.10 hrs.) though this entry was over-written with the figures 6.10. Shri Dhadwal was, therefore, not sure whether the fan was off till 20.10 hrs. or only till 18.10 hrs., but I am satisfied that the former timing i.e. 20.10 hrs. is correct. The over-writing in my

opinion was a clumsy attempt by some one to reduce the magnitude of the lapse.

8.5.3. While the fan was thus shut off for three hours in the morning and another 6 hours in the afternoon, the acting Manager was only informed that it would be shut off for an hour and a half. No further permission was taken from him or from any of the Assistant Managers for the continued stoppage of the fan. It is also in evidence that the first shift men who were working underground from 08.00 hrs. to 16.00 hrs. were not withdrawn. On the contrary, the second shift which began at 16.00 hrs. was also worked and men were sent underground for maintenance of repair duties in this shift.

8.5.4. A further failure of the management was that power was not disconnected as it should have been even after prolonged stoppage of the fan, while under the Standing Orders such disconnection is obligatory as soon as the main ventilation fan is shut off.

8.5.5. While these are specific failures of the management, a number of points remains unexplained about what happened on the afternoon of the fateful day. None of the Officers who appeared before the Court nor even any of the officers who gave evidence before the DGMS admitted any personal knowledge as to when and under whose orders the main ventilation fan had been shut off in the afternoon. The acting Colliery Manager was not at the Colliery at all after 13.30 hrs and the senior Assistant Manager, Shri O. P. Ohri whom he had asked to stay on even denied knowledge as to whether or not the fan was working. The name mentioned by the Agent, Shri Dhadwal, of the man who ordered the fan to be shut off in the afternoon was that of Gopal Mistri who appears to be a blacksmith. It was not explained how with a hierarchy of supervisory officers, both on the engineering side and on the mining side, it was an ordinary worker, and that a blacksmith and not a miner, who took upon himself the responsibility to order the stoppage of the fan. None of these officers again either on the engineering or on the mining side, claimed to have given any thought as to whether in these conditions, men should be allowed to work underground. While no officer admitted to have forced or even persuaded the men to go underground, none of them could state that it was his considered judgment that there was no serious danger to the men working underground and they, therefore, allowed them to do so. It has not been explained whose duty it was to have exercised judgment in this matter.

8.5.6. The picture presented by the officers appearing before the Court, from the Agent to the Overman was thus one of temporary, but complete collapse of management during the afternoon of Sunday, the 18th March, 1973. No one admitted to be in charge of the mine that afternoon, and no one even noticed that the main ventilation fan had been shut off again at 10.10 hrs after a 3 hours stoppage in the morning. No one applied his mind to the important question whether it was safe in these circumstances to send men down for the second shift. No one thought of disconnecting the power supply. What is worse, no one admitted it was his responsibility to do any of these things. And yet the main ventilation fan was shut off for 6 hours continuously in the afternoon, the power supply underground was not disconnected, and the men were sent down for the second shift after 16.00 hrs. Perhaps this picture has been created by the officers individually and even collectively trying to evade personal responsibility, but the management has not come out with any alternative picture of what happened that afternoon, what arrangements the Management had made for the occasion, and who among the officers and supervisory staff failed in their duties.

## 8.6 Individual responsibility

8.6.1. The two top-most local officials were the Agent, Shri Dhadwal and the Senior Engineer, Shri T. C. Lahiri. Shri Dhadwal has stated in his evidence that he was aware of the fact that the cable would be lowered and fixed in the shaft on the Sunday in question, and Shri Lahiri has stated that he discussed this with Shri Dhadwal and the acting Manager. Shri Dhadwal could not in any case have been unaware of the fact that in view of the method proposed to be followed for fixing the cable, the fan might have to be shut off while the work was being done. This should have put him on his guard as the top local official, and he should have seen to it that while the work was

being done, the Colliery Manager or a responsible Assistant Manager was present to ensure safety of the mine. This obviously he did not do. The acting Manager, Shri Choudhury, after a brief visit, left the station altogether, and if the statement before the Court of the next seniormost Assistant Manager, Shri Ohri is to be believed, he had no duties allotted to him on the Sunday afternoon. Shri Dhadwal himself stayed back at his bungalow and made no attempt to keep in touch with what was going on in the mine on the day in question. In his evidence too, he has not stated that he had placed the responsibility for the mine either on the Manager or on the Assistant Manager. When the acting Manager, Shri Choudhury stated before the Court that he left the Colliery in the afternoon and when later, the Assistant Manager, Shri Ohri stated that he was not on duty that afternoon, Shri Dhadwal as the senior-most official appearing before the Court on behalf of the management had no comment to make that either of them had acted in an irresponsible manner or had been guilty of a serious lapse. The conclusion is irresistible that in spite of his experience, and his knowledge of the possibility of the main ventilation fan being shut off, he failed to take the elementary precautions which an Officer in his position should have done by at least allotting the specific duty of supervision to another responsible officer, or by himself keeping in touch with the mine at least from his residence.

8.6.2. Shri T. C. Lahiri claimed in his statement before the Court that he was the Senior Engineer who was consulted in important matters, but that he did not normally assume responsibility for specific items of work. In this case, however, he conceded that the work of lowering the cable had been planned by him. It is also in evidence that the Colliery Engineer, Shri K. N. Singh was on the verge of relinquishing charge of his post and was, therefore, not actively associated with this work. In any case, it has not been stated by Shri Lahiri that Shri K. N. Singh had been placed in charge of this work. The responsibility for senior-level supervision cannot, therefore, be avoided by Shri Lahiri.

A proper planning of the work would have involved the drawing up of a time schedule indicating periods during which the work would be done, and the periods, if any, when the main ventilation fan would have to be shut off. Such a time-bound plan should have been drawn up, and the concurrence of the Manager or of the Agent obtained. No such time-schedule was drawn up and no concurrence of the Manager obtained. It is in evidence, and it has not been denied by any one, that all that the acting Manager was told was that the main ventilation fan would be shut off for an hour and a half or so. Obviously, there was a failure of planning, even if planning alone, and not implementation also, was the responsibility of Shri Lahiri.

I have held, however, that in the absence of any other Senior Engineer, Shri Lahiri must accept responsibility for implementation too. His failure in this respect is even more serious. Having obtained the permission of the acting Manager to shut off the fan for an hour and a half or so, Shri Lahiri should have noticed that the main ventilation fan had been shut in course of the morning alone upto 13.30 hrs. for three hours. He should have assured himself that the fan was not shut off any further, or if that was unavoidable, he should have brought the matter to the notice of the Manager. If the Manager was not readily available, nothing prevented him from contacting the Agent. He did neither.

8.6.3. Shri K. L. Luthra, the Senior Manager was on leave on the date of occurrence. He had, therefore, no specific responsibilities on that day. I have noted, however, that during the preceding three months, the fan had been shut off for more than an hour on five occasions without the men underground being withdrawn. As I have stated, this induced a feeling of complacency. For this, Shri Luthra, as the Manager, must bear responsibility. So also Shri Dhadwal as the Agent of the mine and in fact, as I have stated earlier the chief Mining Engineer, Shri Verma too.

8.6.4. Shri R. K. Choudhury was the acting Manager of the mine on the day in question. He admittedly visited the mine in the morning and left at 13.30 hrs or soon after, when the fan had been put on. He, however, failed to notice that contrary to the assurance said to have been given to him that the fan would be shut off only for an hour and half or so, it had already been shut off for 3 hours

from 10.30 hrs to 13.30 hrs. He sought no assurance that the fan would not be shut off again, and beyond asking Shri O. P. Ohri to stay at the mine, did not charge any Assistant Manager with the responsibility to ensure that the fan was not shut off further for any length of time, or if it was, to withdraw the men from underground. Shri Choudhury was content to leave the mine in the afternoon without making any firm arrangement. This was certainly a serious failure on his part.

8.6.5 The next senior-most Assistant Manager, Shri O. P. Ohri cut a sorry figure at the enquiry. He had told the DGMS during their enquiry that he had allocated work to others in the afternoon of Sunday, the 18th March, 1973 indicating thereby that he was himself on duty. This in fact corroborated by the statement made by Sri S. C. Bhattacharya and Sri R. K. Choudhury before the DGMS. In his statement before the Court, however, he denied this and stated that he was not on duty on Sunday afternoon and had merely come to the mine to make a private telephone call. In cross-examination, however, he admitted that the acting Manager had asked him to stay at the mine, but he still contended that he was not on duty that afternoon. He was not even aware, according to his statement in Court that the fan was off. It is difficult to believe this latter statement which is obviously being made in an attempt to disown responsibility. If, however, it is true, it shows his apathy and can be sustained only by his statement that while he was asked to stay at the mine by the acting Manager, he still considered himself to be not on duty and was, therefore, indifferent to what was happening around him. This is an untenable position. Shri O. P. Ohri must accept responsibility for his failure either to put the fan on or to withdraw the men from underground.

8.6.6 Shri Kundu was the Assistant Engineer immediately in-charge of lowering and fixing the cable. He stated that it was not necessary to shut off the main ventilation fan when this work was being done, and he did not know who had ordered the fan to be shut off. Whether or not his view about the need to shut off the fan is correct, Shri Kundu acted as a subordinate functionary engaged on a specific task. There is nothing to show that he ordered the fan to be shut off. All that he could be blamed for was that he should have sensed the danger, atleast to the men who were working under his orders, and should have asked the fan to be put on, specially as he was of the view that this would not have interfered with his work. He failed to do so, and for this he is blame-worthy. The main responsibility for the catastrophe cannot, however, be placed on him as he had no authority to shut off or put on the fan, nor was he responsible for the men and the mine, except for those in his immediate charge. There is, however, another act of omission for which Shri Kundu is liable. The men in the cage who were in his charge did not use safety belts as they should have done. The alternative provided of ordinary rope cannot be regarded as satisfactory. This is a lapse for which Shri Kundu has to accept responsibility.

8.6.7 Shri K. C. Mistry, Assistant Engineer and Shri Pandey, Assistant Manager were two other Officers at the Colliery on the day of occurrence. The latter was in-charge of stowing operations while the former on that day was helping the work of lowering and fixing the cable and also looking after his own work of maintenance and repair work of electrical equipment in 16 seam. It was mentioned by Shri U. K. Khan, Overman in his evidence before the Court that both Shri Pandey and Shri K. C. Mistry had asked them to go down the mine, and the latter had assured them that the fan would be put on shortly. The amount of persuasion these two Officers used or the pressure they exerted on the workers is not very clear, but even if this was not much, they could not be free from blame altogether. As Assistant Manager, Shri Pandey had the responsibility to ensure that the men did not go down the mine in the circumstances which could be dangerous. He should in fact have prevented the men in the second shift from going down, or even if he did allow them to go down at that stage, he should have withdrawn them when the fan continued to remain shut down for what would have been regarded at that time as an indefinite period. By not doing so, Shri Pandey failed in his duty as an Assistant Manager.

Shri Mistry's responsibility extends only to the men in his charge who had been sent down to the 16 seam. There

is, however, a further factor to be taken into account against Shri Mistry. He admitted in his statement before the DGMS that though the fan had been put off for 3 hours, and not for only one-hour-and-a-half as had been agreed to by the acting Manager, he did not report this fact to the latter. This was certainly a lapse.

8.6.8 Only three of the supervisory personnel who were underground with the second shift when the explosion occurred survived. Of them, one, Shri Bhattacharya was working in the M/T panel on the western side, away from the scene of the explosion. The others two were Sri U. K. Khan, Overman and Sri Sudarshan Singh, Mining Sirdar. The rest unfortunately perished in the disaster. IISCO management high-lighted the fact that these experienced supervisors did not report gas during the second shift. They argued, therefore, that there was no gas, and used this argument in support of the management theory that there was a sudden on-rush of gas as a result of the roof fall. I have held already, for reasons I have indicated, that the theory is un-acceptable, and have upheld the alternative theory of accumulation of gas. I cannot, therefore, accept the statement of Shri U. K. Khan that he had found no gas. I hold that neither he nor Shri Sudarshan Singh tested for gas at the critical places. They were content to sit in the intake gate without trying to ensure, as was their duty, that the men were not endangered by gradual accumulation of gas. They, therefore, failed in discharging their responsibility and must be held blame-worthy on this account.

8.7.1 I have discussed the responsibilities attached to the various supervisory officers from the Agent downwards for the disaster. I would now like to say a word about the degree of culpability to be attached to them. I hold that the person most culpable is Sri T. C. Lahiri, Senior Engineer. Next to him I would place Shri O. P. Ohri, Assistant Manager, and after him Shri R. K. Choudhury, Acting Manager. Sri Dhadwal, the Agent should, in my opinion, figure immediately after Shri Choudhury.

8.7.2 Among the subordinate supervisory Officers, Shri U. K. Khan and Sri Sudarshan Singh are directly responsible for their gross failure. Shri Khan being an Overman and, therefore, senior in rank to Sri Sudarshan Singh, must accept higher responsibility for the lapse than the latter. Sri Pandey, as Assistant Manager, has a general and specific responsibility which he cannot escape. I would, therefore, place him immediately after Shri Khan and Shri Singh. Shri K. C. Mistry and Shri Kundu have also their share of responsibility, but I place them together last in order of culpability.

## IX. RECOMMENDATIONS

### 9.1 General :

9.1.1 The circumstances leading to the explosion which I have discussed in an earlier section clearly indicate a lack of knowledge on the part of the mines officials about their duties and responsibilities in terms of the Mines Regulations and Standing Orders. The engineering staff for instance, did not obviously realise that the main ventilation fan cannot be shut off for any length of time without the specific permission of the manager or officers authorised by him to be in immediate charge. There was also a good deal of confusion about the respective responsibilities of the Acting Manager and the Assistant Manager when the former was away from the colliery in the afternoon. My first recommendation therefore, is that all senior and supervisory officers who have duties laid on them by the Mining Regulations and Standing Orders should be made fully aware of these duties and responsibilities. This is a task which should be taken in hand by the senior management, in this case by the Chief Mining Engineer, with the help of the Safety Officer.

9.1.2 The mining regulations, as it stand at present, are fairly comprehensive in nature. In one respect, however, I would suggest that a specific provision should be made where none exists at present. While the current regulations require that the specific permission of the manager should be obtained before the main ventilation fan is stopped. It does not however, require that this permission should be given in writing. On the day of the accident, as I have noted, permission was taken to stop the fan for an hour



and half or so, but actually it was stopped for 3 hours in the morning, and again after an interval of 40 minutes for 6 hours in the afternoon and evening. I have also noted that on earlier occasions within a period of 3 months before the accident, the fan had been stopped for as many as 4 times for more than an hour each time. This is apart from the stoppages due to power failure. There is nothing to indicate that the permission of the Manager was taken. I recommend that the fan should not be stopped (apart of course from stoppages due to power failure or other circumstances beyond the control of the management) except on the written authority of the Manager or a person authorised by him. Such authority should, in every case, indicate also the period for which the fan is to be stopped. Even when the fan stops for reasons outside the control of the management, the fact of the stoppage should be recorded in the fan register and initialled by the Manager or a person authorised by him in token of his having been informed.

9.1.3 With the Manager being fully informed of every stoppage, whether the stoppage is deliberated or for reasons outside the control of the management, there would be no occasion for him to plead ignorance of the fact that the fan remained stopped, as has been done in this case. It would thereupon be entirely the responsibility of the Manager or the Officer authorised by him to take such action to withdraw men from underground as he is required to do so under the standing orders. It will also be his responsibility to decide if the power should be disconnected, and if so, to what extent, after providing for essential services to be maintained.

9.1.4 One of the assessors brought to my notice a draft code of practice for the prevention of accident due to explosions underground in coal mines prepared by the Director-General, International Labour Office. This draft was considered at the last meeting of the governing body of the ILO and approved for circulation to all concerned. I have perused the draft. It contains, not so much specific suggestions for fixing of standards as the areas which should be taken care of for the prevention of accidents due to explosion, based on the draft recommendations of experts and on the comments of the ILO panel of Consultants on Safety in mines. I recommend that the draft should be carefully considered by the DGMS and by the Ministry of Labour and, where necessary, suitable regulations should be framed to safeguard against the possible dangers mentioned in the documents.

9.1.5 One noticeable feature of the occurrence on the day of the accident was that most of the senior officers claimed to be off duty. The day happened to be a Sunday which is regarded as a non-working day in the colliery, and the next day being "Holi", was also a holiday. The tendency not to be on active duty on holidays is very marked among the officers because, as we understand, unlike most of the workers they do not get either overtime or even compensatory holidays for working on the weekly or other days of rest. I feel that this is a position which needs to be rectified. Some compensation should be provided for work on days of rest, and a regular roster of officers who should be on duty prepared for such days. The number and the rank of officers to be so placed on roster duty should of course depend on the nature of work proposed to be done on that day. On a day like Sunday, the 18th March, when a major work like lowering and fixing of cable is proposed, senior and responsible officers should be placed on roster duty. On other days, when only normal maintenance and repair work is undertaken, it might suffice to have lower ranking officers. This is, however, a matter which should be decided by the manager. What is important is that a roster should be prepared and the officers concerned clearly told what their duties and responsibilities are for that day.

9.1.6 The safety set up for the mine requires, in my opinion, a complete re-organisation. At present the rules and regulations require that a mine producing 5,000 and 15,000 tonnes of coal a month should have a Second Class Manager as Safety Officer, and a mine producing more than 15,000 tonnes a First Class Manager. In either case, the Safety Officer functions as a direct subordinate to the Colliery Manager. This set-up has not functioned satisfactorily and there are complaints that Safety Officers are deployed more on production work than on safety, without this fact being brought to the notice of the DGMS as required by

the Regulations. Similarly, the Ventilation Officer also functions at present directly under the Colliery Manager, and there are similar complaints that his services are utilised more for production than for ventilation.

I feel that the safety set up should be organised on the pattern of internal audit, and the Safety Officer, while acting as the Adviser to the Colliery Manager, should have direct access to higher authorities and not be subordinate to the former. As a result of the recent change of colliery management consequent on the Government take-over, this should not now be difficult. The coal mines are now organised in large public undertakings, like Bharat Coking Coal Ltd., the National Coal Development Corporation Ltd., the Coal Mining Authority and the Singherani Collieries Co. Ltd., apart from a few captive mines and some odd exceptions. I suggest that a separate cadre of Safety and Ventilation Officers should be organised. There should be as at present a Safety Officer at each mine as provided in the Regulations referred to. He should be the principal adviser to the Manager in safety matters. The Manager should, however, remain in complete operational charge of the mine. It would be for the manager to decide whether or not to accept the advice of the Safety Officer, but the latter should have the right to report direct to an Area Safety Officer, who should be located in the Office of the Area General Manager.

At the mine level, the Safety Officer should be assisted by Ventilation Officer. The Ventilation Officer will function directly under the Safety Officer. The Safety Officer may also be given such secretariat and other subordinate assistants as he may require. It will be his principal duty, as I have stated already, to advise the Colliery Manager. It should, however, not only be open to him, but also incumbent on him to send periodic reports to the Area Safety Officers, pointing out the safety standards followed in the mine in his charge.

At the area level, there should be an Area Safety Officer assisted by a small inspecting staff which should include engineering officials. The duty of the Area Safety Officer would be to be in touch with the safety arrangements in the mines on the basis of the reports of the Mines Safety Officers, and to inspect them from time to time either personally or with the help of his Staff Officers. The Area Safety Officers should be directly subordinate and report to the Technical Director, where there is such a Director, or to the Managing Director.

In smaller organisations, such as the captive mines like the one under consideration in this report, the set-up may have to be slightly different. In place of an Area Safety Officer, it would suffice if there is a Safety Officer directly attached to the General Manager of the organisation.

It should also be part of the duty of the Safety Officer both at the colliery and at the higher level to create safety consciousness not only among the supervisory officers, but also among the workers. For this purpose, it may be necessary for them to arrange training programmes in co-operation with the National Council for Safety in mines and the DGMS and generally to educate all concerned in such matters.

I appreciate that this recommendation I have made involves a radical change in the safety set-up of the mines. It is possible that difficulties not immediately apparent may arise in its implementation. If such difficulties are in fact anticipated, I should suggest that the scheme I have proposed should be started at least on an experimental basis in certain selected areas.

9.1.7 Safety measures to be really effective should be the concern of all, specially those engaged in production. There is a tendency to regard DGMS as the sole custodian of safety. To some extent this feeling arises from the fact that the DGMS has considerable regulatory and even penal powers under the Mines Act and the Regulations framed thereunder. While penal powers may in serious case be necessary, some of the other regulatory powers are of more doubtful utility. The powers for instance which the DGMS have to grant exemptions or to approve of safety practices create the feeling that on such exemption or approval are obtained, the production authorities are absolved of all responsibilities or any consequences arising therefrom. A



practice does not become more or less dangerous because the DGMS has approved of it. The decision whether a particular practice should be adopted, can well be left to the production authority with advice, where necessary from the DGMS provided that it is clearly stipulated that the consequences of adopting the practice would be on the former.

In my opinion, there is a need to redefine the functions of the DGMS by placing emphasis on three aspects of their duty. The first is that they should set the standards of safety on the basis of their specialised knowledge and wide experience. The second is that they should advise production authorities both on the general and on specific practices adopted by them. The third function would be by a system of regular inspection they should bring to the notice of the production authorities at a high level the standards of safety actually followed in the collieries at the highest level. If these three functions are adequately discharged, it should rarely be necessary for them to go in for penal action.

A specific recommendation which I would make in this connection is that the DGMS should not only submit periodic reports, annual or six monthly reports to Government, on the safety standards followed in the mine, but should also adopt the practice of submitting specific reports to Government whenever they feel that the practice followed in the mines generally or even in a group of mines is such as to need high level attention. These reports should then be considered not only by the Ministry responsible for safety, but also by the Ministry concerned with production.

9.1.8 To function more as consultants, friends and advisers, as I envisage, the role of the DGMS to be, than as prosecutor and enforcement agent, it is necessary that the DGMS should command, respect in the industry. It is well beyond my purview to make any recommendations about the salary structures or conditions of service of officers of the DGMS. I do recommend however, that they should be such as to attract to the department persons with high calibre and of adequate experience. With such persons manning the department, one could reasonably expect that their attention could be focussed on matters of importance and not flitted away on petty violations or technical departures from rules and regulations.

9.1.9 Safety, as I have stressed earlier, to be effective, should be based on safety consciousness of all these engaged in work of production. This would include the workers who are not only engaged to do such work, but in fact suffer most when accidents occur. A deliberate attempt should, therefore, be made to enlist the co-operation of the workers and their Unions and to create interest in safety matters among them. I, therefore, recommend that a serious attempt should be made by the management concerned with the help of the Safety Officers to revive, where necessary, and generally to activate the Pit Safety Committee for this purpose. The enquiry reports on fatal accidents, as well as general reports by the Safety Officers or by the DGMS on standards of safety followed in the collieries, should not only be made available to the Pit Safety Committee, but actively discussed in depth at their meetings. A feeling of involvement should be created where both the management and the workers feel equally involved in the matter of observing safety standards.

## 9.2. Technical :

9.2.1 The central role in this accident, as has been noticed was played by the main ventilation fan, the stoppage of which, I have held was largely responsible for the explosion. In this instance, the fan had been deliberately stopped. Taking into account, however, the conditions as they exist at present in the coal fields, frequent stoppages of the fan on account of power failure have to be reckoned with. There may of course be other reasons, mechanical or otherwise why the fan stops without any one taking a decision to stop it. These contingencies need to be provided for.

Power shortage has for some months been now engaging wide spread attention in the country and has in particular been causing concern to the authorities. It is hardly necessary for me, therefore, to emphasise the gravity of the

situation both from the safety and from the production point of view that such failures involve. A suggestion has been made that in view of the plentiful availability of coal in the coal fields, one or more units of large thermal power stations should be established to cater to these areas. I have no doubt that this suggestion will receive the earnest consideration of Government. I would like to recommend, however, that whatever arrangements are made to ensure regular supply, it will be highly desirable to make certain alternative arrangements of power supply atleast for groups of mines which are highly gassy in nature. For this purpose, I would suggest that comparatively small thermal units, of say 50 MW each, should be strategically located outside the common grid. These units should normally be connected to the essential services of the mine, and should generate sufficient power to cater to these services. With this arrangement, the essential services like the fan, the winder and the pumps would have two alternative sources of supply. While they will normally be fed by these special units, they could, if necessary, switch on to the general grid.

I appreciate that this arrangement would be expensive. Considering, however, the possible loss in life and expensive materials due to failure of power, and taking into account the frequent interruption of production, I feel that this additional expenditure, though substantial from an obsolete point of view, cannot be regarded as prohibitive or even uneconomical.

I am informed by the DGMS that they have already advised managements of third degree gassy mines to install alternative stand-by fans. Some of the new mines under the National Coal Development Corporation Ltd., like Sudamdih and Monodih have provided for such alternative fans. It is desirable that other large mines which are equally gassy should do so also. In any case even where an alternative fan is not considered necessary, there should be arrangements for alternative drives for gassy mines.

Another factor which has emerged in this case, is the failure of the human element in the matter of detection of gas with the help of flame safety lamps. While these lamps are adequate if the supervisory staff is sufficiently alert and puts in the required effort, it may well fail, as it did in the present instance, where the staff was not alert and puts in the required effort, it may well fail, as it did in the present instance, where the staff was not alert enough. A more reliable system would be to install recording methanometers at important places in the mines, such as the main return of the major districts/seams and the main return of the entire mine. Such methanometers would keep a continuous record of the percentage of gas in the general body of the return air. Similarly, air velocity meters should also be installed to provide a continuous record of the quantity of air flowing through the districts, seam, mine. I recommend that these comparatively simple equipment should be installed in gassy mines.

I appreciate that at present these equipment are not being manufactured in the country. If their use is made compulsory in gassy mines, a demand would be created which would make it worthwhile for indigenous producers in the public or the private sector, to undertake their manufacture. There is no serious problem of know-how in this matter. Pending such indigenous manufacture, however, it would be desirable to spend some foreign exchange and import the required equipment.

9.2.5 Finally, attention needs to be given to the rescue operation. While the rescue service acted with commendable speed and efficiency in the present case, there is no doubt that difficulty of communication prevented the rescue authorities to be on the spot even earlier than they did. The time lag between the actual explosion and the arrival of the first rescue party was 1-1/4 hours. This delay was due to a variety of reasons which can generally be grouped under the head, difficulty of communication. Rescue would have been much faster if one or more rescue parties had been stationed in or near the mine. I would, therefore, recommend that more feeder stations should be opened, particularly near large and gassy mines. If possible, some of these bigger mines can organise rescue parties by themselves and should be provided with the required equipment by the Rescue Service Stations Committee.

The rescue apparatus with which Rescue Stations are equipped, also needs some consideration. They are comparatively heavy, and this weight impedes free movement. These equipment are imported from abroad, and this poses a problem of servicing and spare parts. I would recommend that the equipment should be re-examined with a view to reducing their weight, and if possible, arrangements should be made for the manufacture of the equipment in the country. It should also be examined if lighter stretchers could be used.

Another equipment which should be popularised and introduced on a compulsory basis is the self rescuer. In an instance like the case under enquiry, if the miners had been provided with selfrescuers, they could have at least saved themselves from carbon monoxide poisoning. Here again it is not difficult to produce this equipment. I am informed that the required chemical has already been developed by the Central Mining Research Station, Dhanbad, and given a certain demand, there should be no difficulty in their mass production on a commercial basis.

9.2.6 The last recommendation which I have to make is about a deficiency which had no direct bearing on the accident at the Jitpur Colliery, but which nevertheless came to light during the enquiry. The Jitpur Colliery had not been inspected by the electrical wing of the Directorate-General of Mines Safety for about a year. In this case I have held that the standard of maintenance of the mechanical and electrical equipment was satisfactory. The absence of an inspection did not therefore contribute to the accident. On general principle however such infrequent inspections do not serve any purpose. I am informed that the main reason for this is that sufficient staff is not available in the Directorate-General. I have not gone into the question of staffing and I do not therefore feel competent to express an opinion on the adequacy or otherwise of the staff. I would however like to draw attention to the need of fairly frequent inspections of the electrical and mechanical equipment, specially in underground mines. This need, it is hardly necessary to add, is accentuated by the fact that the larger mines are being mechanised, and the types of equipment are becoming more and more sophisticated in nature. I would suggest that Government should examine this matter and provide whatever staff is necessary for at least quarterly inspections for each such mechanised mine.

#### Recovery of expenses

I have held in this case that the accident was caused on account of defaults of the management. Under Rule 22 of the Mines Rules, 1955, therefore, I direct that the cost of the enquiry should be recovered in full from the management of Indian and Iron Steel Company's Jitpur Colliery. The actual expenditure incurred on account of the enquiry will be computed and certified by the Director-General Mines Safety.

#### X ACKNOWLEDGEMENT

10.1 Before I conclude I would in the first instance like to express my deep and sincere thanks to all the four assessors who assisted me during the enquiry. It has been our endeavour to ascertain the truth of what happened, to weight the evidence available objectively and to try to assess the responsibility of each of the individuals connected with the colliery management. In this endeavour I have been greatly assisted by the assessors, both the technical and non-technical, who did not allow any consideration apart from the purely factual to sway their judgment. I am also grateful to the assessors for taking the trouble on several occasions to inspect the mine underground in conditions created by the accident which were by no means easy.

10.1.2 I am thankful to the President and members of the Central Coal Mines Rescue Stations Committee, Dhanbad for placing at our disposal all facilities to establish a local office and to hold the Court of Enquiry. I am also thankful to the National Coal Development Corporation for all the assistance they rendered to us both at Dhanbad and also at their Branch Office at Delhi.

10.1.3 The Central Mining Research Station, Dhanbad did good work in examining some of the equipment and testing the air gas and coal dust samples. They also inspected the

mine and made available to the Court their expert opinion on several points raised during the enquiry.

10.1.4 The Directorate General of Mines Safety is by the nature of their functions and duties always deeply concerned with such accidents. It is indeed a part of their functions to investigate into such occurrences. I would nevertheless like to record my appreciation for the manner in which they conducted these investigations and the restraint with which they placed their point of view before the Court.

10.1.5 Finally, I am happy to be able to say that all the parties to the enquiry, namely, the management, the Workers' Federations concerned and the Indian National Mine Overmen, Sudars and Shotfirers' Association fully co-operated with the process of enquiry. In fact if it had not been for their constructive attitude the enquiry could have been prolonged for a much longer period without any additional benefit to any one.

Dated New Delhi the

4th May, 1973

Sd/- R. C. DUTT, Court of Enquiry

We fully agree with all observations, conclusions and recommendations made in the report which has been prepared in full consultation with us.

KANTI MEHTA

LALIT BURMAN,

G. B. MISRA,

M. B. TAWADEY,

#### ANNEXURE I

1. To what extent, if any, is the shut down of main ventilation fan responsible for the disaster?
- 1.1 What was the precise period during which the main fan was shut down?
- 1.2 In view of normal gassiness of mine, could stoppage of this duration lead to such accumulation of gas as would create a risk of explosion?
- 1.3 In any suitable alternative arrangement for ventilation possible which even if the main ventilation fan is stopped, would avoid this risk? If so, was any such arrangement made?
2. Is there any other possible reason for accumulation of gas which caused the explosion?
3. What are the possible sources of ignition and what is the most likely reason in this case?
4. In view of the nature of explosion which took place and the damage at various locations it caused, is it possible to establish the precise reasons for the explosion?
5. Was the standard of maintenance of electrical fixtures and safety lamps adequate?
6. Was there any previous occasion when J3 fan was shut down for more than an hour without men underground being withdrawn?
- 6.1 Why men were not withdrawn in the present case?
- 6.2 Why were fresh lot of men were sent underground in second shift when fan was not in operation?
- 6.3 What special precautions, if any, were taken to ensure safety under the circumstances? What steps were taken to measure the quality of gas at all the different places of work underground? Were sufficient numbers of supervisory personnel deputed for this purpose? Why was not the accumulation of gas beyond permissible limit detected and reported in time?

7. When was the fan re-started? If the fan was re-started immediately after the explosion, what were the possible consequences of the re-start?
- 7.1. Who ordered the main fan to be stopped? Was this fact and the duration of the stoppage communicated to the Manager or the Agent? Who ordered the fan to be re-started?
8. Who decided to fix the cable in the shaft in the manner in which it was done? Was the Agent or Colliery Manager consulted? If so, did they agree? Who was in charge of the operation? Was any Senior Engineering Officer present? What safety arrangements were made for persons deployed on this job?
9. What specific job was entrusted to the four Electricians working in L2 Panel who lost their lives? Who ordered them to go to the said working places?

## ANNEXURE II

**THE INDIAN IRON & STEEL COMPANY LTD.  
NEONODIH JITPUR COLLIERY**

**Standing Orders in the event of stoppage of the Main Mechanical Ventilator (Under Regulation 134).**

**Fan Attendant.**—1.(a) In the event of stoppage of the Main Mechanical Ventilator, the fan Attendant shall immediately open the main doors of the Ventilation installation.

(b) He shall then immediately notify the Attendance Clerk on duty of this stoppage, clearly indicating the reasons and circumstances thereof.

**Attendance Clerk.**—2(a). On being notified as aforesaid, the Attendance Clerk shall immediately send information of this stoppage—

- (i) to the onsetter on any other person(s) in charge of the Pit bottom (who shall arrange immediately to inform every under-manager, Asstt. Manager, Overman and other members of the Supervising Staff present belowground.
- (ii) to the Manager (or in his absence, to the Senior Officials present on the surface of the Mine) and to the Engineer,

(b) The attendance clerk shall also note down the exact time of the stoppage of the Ventilator in the Book provided for the purpose under Regulation 133(2).

**Immediate.**—3(a). The Engineer shall arrange to have the electric current cut off from all apparatus belowground except from such apparatus as is situated in a main intake airway or at a distance greater than 270 metres from nearest working place.

(b) All persons present belowground shall be withdrawn from the working places to the nearest main intake Airway and at least 270 metres from the nearest working face (or to the downcast shaft bottom if it is less than 270 metres from the nearest working face).

**Short Stoppage.**—4. If the Ventilator is re-started and works satisfactorily within a period of one hour after the stoppage, the attendance clerk on duty shall immediately send information thereof to all persons concerned in the manner laid down in article 2(a) above. All working places in the mine shall then be examined by an Overman or other competent person(s) in the manner laid down in the Regulation 113 and if they are found free from inflammable or noxious gases and in safe condition, persons may be allowed to proceed from the places to which they had been withdrawn to the respective working places.

**Long Stoppage.**—5(a) If the Ventilator is not restarted within a period of one hour from the time of its stoppage, all persons shall be withdrawn from the workings belowground.

So, however, that officials and persons engaged in supervisory duties, pump attendants and persons employed in essential and urgent repairing work may be permitted by the

manager (or in his absence by the Senior Officials of the Mine) to remain belowground if he is satisfied that the places where those persons are to work or to pass are adequately ventilated during this stoppage of the ventilator and gives an order in writing to that effect.

(b) When the ventilator has been re-started after a period of more than one hour from the time of its stoppage, all working places in the Mine shall be examined by an Overman or other competent person(s) in the manner laid down in Regulation 113. Order for general resumption of the work shall be given by the Manager (or in his absence the senior officials of the Mine), only on the receipt of the report that the Ventilator is working satisfactorily and that all workings are free from inflammable and noxious gasses and in safe condition. All such orders of resumption of work shall be recorded in the book maintained under Regulation 133(2). The Manager shall also write the cause to be written in this Book the cause of stoppage of the Ventilator, the time when the Ventilator resumed its normal workings and particulars of the withdrawing of persons.

Resumption of work 6(a) The competent person making the inspection under article 4 and 5(b) above shall immediately record the result thereof in the book kept under Regulation 114(3).

(b) The electric current shall not be switched on until as a result of such examination, the workings have been found to be free from inflammable gas/within the meaning of Regulation 13. (2).

**Enforcement of Orders :** A copy of these orders shall be posted in the Fan house, office of the Mine, Attendance room and at every pit top and pit bottom. It shall be the personal duty of the Manager to make all officials and persons concerned thoroughly conversant with their duties in case of stoppage of the main Mechanical Ventilator.

## ANNEXURE III

**LIST OF WITNESSES EXAMINED AT THE ENQUIRY**

**On behalf of Management :**

1. Sri K. R. Dhadwal, Dy. Chief Mining Engineer and Agent, Chasnala and Jitpur Collieries.
2. Sri K. L. Luthra, Senior Manager.
3. Sri T. C. Lahiri, Senior Engineer—Elect/(Mechanical).
4. Sri R. R. Khanna, Technical Expert.

**On behalf of Directorate-General of Mines Safety :**

1. Shri S. P. Ganguly, Director of Mines Safety (Northern Zone)
2. Shri N. K. Sen, Deputy Director (Electrical).
3. Shri B. S. Rank, Deputy Director.

**Court witnesses :**

- |  |   |  |
|--|---|--|
| 1. Dr. A. K. Ghosh, Scientist  | } | Central Mining Research Station,<br>Dhanbad. |
| 2. Dr. T. S. Bajpai, Scientist   |   |  |
| 3. Sri S. Ramanathan, Scientist  |   |  |
| 4. Sri O. P. O'ri, Assistant Manager, Jitpur Colliery                  |   |  |
| 5. Sri S.N. Kundu, Assistant Engineer, Elect/Mechanical, Jitpur Colly. |   |  |

**On behalf of Indian National Mines Orman, Sirdar and Shot-firer's Association**

Sri U.K. Khan, Overman, Jitpur Colliery.

**On behalf of Indian Mine Workers' Federation :**

Sri R. P. Singh, Mining Sirdar

ANNEXURE IV			Sl. No.	Name	Designation
List of Deceased					
Sl. No.	Name	Designation			
			38.	Chulan Kumhar	Face Worker
			39.	Inder Deo Yadav	Stowing-Barricading
1.	Md. Habib	Timber Mistry	40.	Seo Bachan Rajbhar	Supporter
2.	Kasim Mia	—do—	41.	Jai Narayan Bishwakarama	Stowing-Barricading
3.	Reaz Mia	Supporter	42.	M. Mondal	Electrician
4.	Laljit Bhutta	Pump Khalasi	43.	Supriya Sarkar	—do—
5.	Darban Jeshwara	—do—	44.	Hitnarayan Singh	—do—
6.	A.K. Mondal	Mechanical Fitter.	45.	Ashit Acharjee	Elec. Helper
7.	Banamali Mondal	Mech. Fitter-Helper.	46.	Pal Singh	Tyndel
8.	Muzaffar	U/G Mazdoor	47.	Hardeo Yadav	—do—
9.	Lahsan Mia	—do—	48.	B.P. Srivastava	Mining Sirdar
10.	Bankoo Dass	—do—			
11.	H.K. Ansari	On-setter			
12.	Birendra Nath Patra	Prop Mazdoor			
13.	Chandram Satnami	Genl. Mazdoor			
14.	Krishna Singh	Mining Sirdar	(a) Exhibit No. 1	Mechanical Ventilation Long Book.	
15.	Jheri Mahto	Prop Mistry	(b) Exhibit No. 2	Fan Standing Orders.	
16.	Bhagavant Nunia	Genl. Mazdoor.	(c) Exhibit No. 3	Distribution of work on 18-3-1973.	
17.	Rajkishor Tiwari	Asst. Elec. Foreman.	(d) Exhibit No. 4	Resignation of Sri R.P. Singh, Mining Sirdar.	
18.	Parmanand Choudhury	Mech. Fitter-Helper.	(e) Exhibit No. 5	Post-mortem Report (original)	
19.	Jit Singh	Tyndel.	(f) Exhibit No. 6	Photographs.	
20.	Gyaneshwar Singh	—do—	(g) Exhibit No. 7	Report on Safety lamp No. 25 VFI OX type GI-5	
21.	Jaswant Singh	—do—	(h) Exhibit No. 8	Details of the stoppage of J3 surface fan.	
22.	Makbul Ansari	—do—	(i) Exhibit No. AI No. AII No. AIII }	Three cap lamps recovered deposited with DGMS.	
23.	Singara Singh	—do—	(j) Exhibit No. B	Brattice cloth recovered and deposited with DGMS.	
24.	Somar Gope	—do—	(k) Exhibit No. C	Deshaped Helmet—recovered and deposited with DGMS	
25.	Mohan Bawri	Mechanical Foreman	(l) Exhibit No. D	Props—recovered and deposited with DGMS.	
26.	Mohar Yadav	—do—			
27.	Rekha Harijan	Machine Mazdoor			
28.	Jatan Rajwar	Timber Mazdoor			
29.	Lattoo Jaswara	Timber Mistry			
30.	D.P. Sikdar	Mining Sirdar			
31.	S.B. Kar	Head Overman			
32.	Jaho Barhi	Timber Mistry			
33.	Jagannath Satnami	Genl. Mazdoor			
34.	Badri Mia	Supporter			
35.	Khublal	Stowing Fitter			
36.	Sevlal Gorary	Supporter			
37.	Taslim Ansari	—do—			

ANNEXURE V

## EXHIBITS

[No. N. 11012/5/73-M. I.]

P. R. NAYAR, Under Secy.

नई दिल्ली, 17 अगस्त, 1973

का०प्रा० 2503.—कलकत्ता डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1970 में और आगे संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप जिसे केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन अधिनियम, 1948 (1948 का 9) की धारा 4 उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्तावना करती है, उक्त उपधारा द्वारा यथापेक्षित तद्द्वारा सम्भाव्यत प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है और एतद्द्वारा सूचना दी जाती है कि उक्त प्रारूप पर हम अधिसूचना के राजपत्र में प्रकाशन की तारीख से 45 दिन के अवसान पर विचार किया जाएगा।

इस प्रकार विनिर्दिष्ट अवधि की समाप्ति से पूर्व उक्त प्रारूप के संबंध में किसी भी व्यक्ति से जो आशेष या सुझाव प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा।

#### प्रारूप स्कीम

1. इस स्कीम का नाम कलकत्ता डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम 1973 है।

2 कलकत्ता डाक कर्मकार (नियोजन का विनियमन) स्कीम 1970 के खण्ड 20 के उपखण्ड (2) में मद (ग), (घ) और (ङ) को हटाने पर निम्नलिखित मदे प्रतिस्थापित की जाएंगी, अर्थात्—

“(ग) अनन्तिम रजिस्ट्रीकरण पूर्ण होने के पश्चात् ऐसे रजिस्ट्रीकृत कर्मकारों में से चक्रानुक्रम से कर्मकारों की बुकिंग, उस प्रक्रम में, निम्नलिखित को छोड़कर, प्रोद्भूत होने वाली कोई वित्तीय प्रसुविधा दिए बिना आरम्भ किया जाएगा—

(i) ऐसे कर्मकारों की, उनके द्वारा वारतव में काम किए गए दिनों के लिए प्रोद्भूत सकल मजदूरी, इस शर्त के अधीन कि किसी एक मास में कम से कम 12 दिन की सकल मजदूरी हो, और

(ii) अवकाश मजदूरी केवल पल्लन-अन्द दिना के लिए।

(घ) अनन्तिम रजिस्ट्रीकृत कर्मकारों द्वारा वास्तविक रूप से प्राप्त नियोजन की दृष्टि से 6 मास के पश्चात् अपेक्षाओं का पुनर्निधारण किया जाएगा और अनन्तिम रजिस्ट्रीकरण तब तदनुसार समायोजित किया जाएगा और इस के पश्चात् कर्मकार निम्नलिखित प्रसुविधाओं के पात्र होंगे, अर्थात्—

(i) आराम का संबद्ध एक साप्ताहिक दिन (वेतन सहित रोस्टर आफ़);

(ii) खण्ड 35 में यथा अधिकृत उपस्थिति भरने का संदाय, और

(iii) बोर्ड द्वारा यथा विनिर्दिष्ट बीमारी और आकस्मिक छुट्टी; परन्तु यह कि उन कर्मकारों के प्रवर्गों की दशा में जहां कि संस्था का अनन्तिम रजिस्ट्रीकरण उचित निर्धारण के पश्चात्, केन्द्रीय सरकार के अनुमोदन से अवधारित किया गया था, बोर्ड ऐसे कर्मकारों को अनन्तिम रजिस्ट्रीकरण के पश्चात् छः मास की समाप्ति पर अपेक्षाओं के किसी अतिरिक्त पुनर्निधारण का भार लिए बिना उपरिलिखित प्रसुविधाओं को भंजूर कर सकेगा।

(ङ) (i) उक्त स्कीम चक्रानुक्रम से बुकिंग आरम्भ होने के एक वर्ष के पश्चात् पुनर्विमीक्षण के अध्वधीन इस दृष्टि से होगी कि, दिवस जिन के लिए खण्ड 34 के अधीन गारण्टी की न्यूनतम मजदूरी देनी चाहिए की संख्या नियत की जावे।

परन्तु यह कि उन कर्मकारों के प्रवर्गों की दशा में जहां कि अनन्तिम रजिस्ट्रीकरण की संख्या, उचित निर्धारण के पश्चात्, केन्द्रीय सरकार के पूर्व अनुमोदन से अवधारित हुई थी, बोर्ड अनन्तिम रजिस्ट्रीकरण के पश्चात् छ मास की समाप्ति पर ऐसे कर्मकारों के लिए दिवसों की जिन के लिए गारण्टी की न्यूनतम मजदूरी दी जानी चाहिए, संख्या नियत कर सकेगा।

(ii) अनन्तिम रजिस्ट्रीकरण के पश्चात् एक वर्ष की समाप्ति पर कर्मकार —

(i) यदि उनका चरित्र और पूर्ववृत्त गत्यापित किए जाने पर सतोषप्रद पाए गए हो तो पूर्ण किए गए समझे जाएंगे,

(ii) भविष्य निधि स्कीम में गम्यमान होने के हकदार होंगे,

(iii) रजिस्ट्रीकरण की तारीख से यथा अर्जित विशेषधिकार छुट्टी लेने के हकदार होंगे, और

(iv) स्कीम के अधीन सभी अन्य फायदे पाने के हकदार होंगे।

[फाइल न० बी 12025/7/72-पी एंड डी]

New Delhi, the 17th August, 1973

**S.O. 2503.**—The following draft of a Scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration after the expiry of a period of forty five days from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the expiry of the period so specified will be taken into consideration by the Central Government.

#### Draft Scheme

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1973.

2. In the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970, in sub-clause (2) of clause 20, for items (c), (d) and (e), the following items shall respectively be substituted namely:—

“(c) After the provisional registration has been completed, the booking of workers in rotation within the number so registered shall start without allowing, at that stage, any financial benefits other than;

(i) the gross wages which accrue to such workers for the days on which they actually work subject to a minimum of 12 days gross wages in a month, and

(ii) holiday wages for the port closed days only.

(d) A re-assessment of the requirements shall be made after six months in the light of the actual employment obtained by workers provisionally registered and the provisional registration shall then be adjusted accordingly and thereupon, the workers shall be eligible for the following benefits, namely:—

(i) a paid weekly day of rest (Roster off with pay);

(ii) payment of attendance allowance as laid down in clause 35; and

(iii) sick and casual leave as decided by the Board;

Provided that in the case of categories of workers where the number to be provisionally registered was, after

due assessment, determined with the approval of the Central Government, the Board may allow the above-mentioned benefits to such workers at the end of a period of six months after provisional registration without undertaking any further reassessment of the requirements.

- (e) (i) The aforesaid Scheme shall be subject to review after one year from the introduction of the rotational booking with a view to fixing the number of days for which the guaranteed minimum wages under clause 34 should be paid;

Provided that in the case of categories of workers where the number to be provisionally registered was, after due assessment, determined with the prior approval of the Central Government, the Board may, at the end of six months after provisional registration, six for such workers the number of days for which the guaranteed minimum wages should be paid.

- (ii) At the end of one year after the provisional registration, the workers shall be—

- (1) deemed to have been confirmed if their character and antecedents have been verified and found to be satisfactory;
- (2) entitled to join the Provident Fund Scheme;
- (3) entitled to avail of privilege leave as earned from the date of registration; and
- (4) entitled to all other benefits under the Scheme.

[File No. V. 12025/7/72—P&D]

नई दिल्ली, 20 अगस्त, 1973

का० प्रा० 2504 — डाक कर्मकार (सलाहकार समिति) नियम 1962 के नियम 3 के उपनियम (3) के साथ पठित डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 5 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री मनोहर जी० कोतवाल को श्री एम० पी० जोशी के स्थान पर डाक कर्मकार सलाहकार समिति के सदस्य के रूप में एतद्वारा नियुक्त करती है और भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० प्रा० 56 तारीख 23 दिसम्बर, 1968 में निम्नलिखित संशोधन करती है, अर्थात् —

उक्त अधिसूचना में, “गोदी श्रमिकों का प्रतिनिधित्व करते वाले सदस्यों” शीर्षक के अन्तर्गत, मद्द (9) में “एम० पी० जोशी, महा सचिव” अक्षरों और शब्दों के स्थान पर “मनोहर जी० कोतवाल” शब्द और अक्षर प्रतिस्थापित किये जायेंगे।

[संख्या यू-20012/1/72-पी० एण्ड डी०]

वी० शंकरालिंगम, अवर सचिव

New Delhi, the 20th August, 1973

**S.O. 2504.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), read with sub-rule (3) of rule 3 of the Dock Workers (Advisory Committee) Rules, 1962 the Central Government hereby appoints Shri Manohar G. Kotwal as a member of the Dock Workers Advisory Committee *vice* Shri M. P. Joshi and make the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabi-

litation (Department of Labour & Employment) No. S.O. 56, dated the 23rd December, 1968, namely :—

In the said notification, under the heading “Members representing the dock workers” in item (9) for the letters and words “M.P. Joshi, General Secretary” the words and letters “Manohar G. Kotwal” shall be substituted.

[No. U. 20012/1/72-P&D]

V. SANKARALINGAM, Under Secy.

नई दिल्ली, 17 अगस्त, 1973

का० प्रा० 2505.—कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री डी० बी० भाम्बरी को उक्त अधिनियम और स्कीम और उसके अधीन विरचित कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी, महापत्तन, खान या नेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के संबंध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हों, सम्पूर्ण दिल्ली संघ राज्य क्षेत्र के लिए निरीक्षक नियुक्त करती है।

[सं० ए० 12016(3)/72-पी० एफ० 1]

New Delhi, the 17th August, 1973

**S.O. 2505.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government hereby appoints Shri D. B. Bhambri to be an Inspector for the whole of the Union territory of Delhi for the purpose of the said Act, and the Scheme and the family pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A. 12016(3)/72-PF. 1]

का० प्रा० 2506.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार जम्मू-कश्मीर राज्य में श्रीनगर यूनिट में काम कर रहे भारतीय टेलीफोन उद्योग, बंगलोर के कर्मचारियों को, जिनका नाम नीचे दी गई अनुसूची में उपरिष्ठित है, उक्त अधिनियम के प्रवर्तन से, उसके अन्धग 58 के सिवाय, 27 जनवरी, 1972 से 26 जुलाई, 1973 तक, जिनमें दोनों दिन सम्मिलित है, छूट देती है।

2 उपरिष्ठित छूट निम्नलिखित शर्तों के अधीन रहते हुए है, अर्थात् :—

1. उपर्युक्त कारखाना जिसमें कर्मचारी नियोजित है, छूट-प्राप्त कर्मचारियों के नाम और पदनाम वर्णित करने हुए एक रजिस्टर बनाए रखेगा;
2. इस छूट के होने पर भी, कर्मचारी, उक्त अधिनियम के अधीन ऐसे फायदे प्राप्त करते रहेंगे, जिनके लिए वे, इस अधिसूचना द्वारा दी गई छूट के प्रवर्तित होने की तारीख के पूर्व संश्लेष अभिवाय के आधार पर हकदार होंगे, और

3. छूट-प्राप्त अवधि के लिए अभिदाय, यदि पहले ही संदत्त किए गए हैं, वापस नहीं किए जाएंगे।

**अनुसूची**

क्रमांक	नाम	पदनाम
1.	आदर्श वीर शर्मा	-----
2.	मोहम्मद अकबर	आणुलिपिक
3.	भूषण लाल कौल	वरिष्ठ लेखाकार
4.	मखनलाल	लिपिक
5.	गुलाम रसूल दार	लिपिक
6.	गुरमुख सिंह	चालक
7.	गुलाम मुहयाल दिम कुची	-----
8.	मोहम्मद मकबूल शेक	-----
9.	सैयद अल्ताफ हुसैन	-----
10.	रूप कृष्णामभान	-----
11.	अब्दुल अली मीर	-----
12.	मोहम्मद युसुफ मीर	-----
13.	भूषण सपर	भंडारपाल
14.	गुलाम मौद्दीन	योजक
15.	गुलाम नबी गनेई	परिचारक
16.	गुलाम अहमद कुशी	परिचारक
17.	के० आरविन्द्रकाशम	-----
18.	बालाकृष्णा	-----
19.	द्वारिकानाथ कौल	-----
20.	गुलाम रसूल खान	-----
21.	मोहम्मद मईद भट	-----
22.	शकत अहमद खान	-----
23.	रोशन लाल पीर	-----
24.	मुंशी मुख्तार अहमद	-----
25.	नजीर अहमद बानी	-----
26.	मोहम्मद सुलतान शेक	-----
27.	नेगेन्द्र चट्ठा	-----
28.	गुलाम हुस्सनबानी	-----
29.	निवास शर्मा	-----
30.	चन्दा मोहन शर्मा	-----
31.	बशीर अहमद सफी	-----
32.	बशीर अहमद बानी	-----
33.	सत्यपाल गलागोत्रा	-----
34.	अली मोहम्मद बेग	-----
35.	गुलाम मोहम्मद भट	-----
36.	मोहम्मद शेक	-----
37.	अब्दुल हमीद रथन	-----
38.	पी०एन० धर	-----

[स० एम०-38014/26/72-एच आई]

दलजीत सिंह, अवर सचिव

in the State of Jammu and Kashmir whose name are indicated in the Schedule given below, from the operation of the said Act except chapter VA thereof, for the period from the 27th January, 1972 to 26th July, 1973, both days inclusive.

2. The above exemption is subject to the following conditions, namely :—

1. that the aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
2. that notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemptions granted by this notification operates; and
3. that the contributions for exempted period, if already paid, shall not be refunded.

**SCHEDULE**

Sl. No.	Name	Designation
1.	Adarsh Vir Sharma	—
2.	Md. Akbar	Steno
3.	Bhushanlal Koul	Sr. Accountant
4.	Makhanlal	Clerk
5.	Ghulam Rasool Dar	Clerk
6.	Gurmukh Singh	Driver
7.	Ghulam Moyal Dim Kuchey	—
8.	Mohd. Maqbool Shaik	—
9.	Syed Altaf Hussain	—
10.	Roop Krishnambhan	—
11.	Abdul Ali Mir	—
12.	Mohammed Yusuf Mir	—
13.	Bhushan Suproo	Storekeeper
14.	Ghulam Mouddin Bala	Planner
15.	Gulam Nabi Ganai	Attender
16.	Gulam Ahmed Kushey	do
17.	K. Aravindaksham	—
18.	Balakrishnan	—
19.	Dwarikanath Koul	—
20.	Gulam Rasool Khan	—
21.	Mohamed Sayeed Bhat	—
22.	Shakat Ahmed Khan	—
23.	Roshanlal Peer	—
24.	Munshi Mukhtar Ahmed	—
25.	Nazir Ahmed Wani	—
26.	Mohammed Sultan Shaik	—
27.	Nagendra Chatra	—
28.	Gulam Hassan Wani	—
29.	Nivas Sharma	—
30.	Chanda Mohan Sharma	—
31.	Bashir Ahmed Safi	—
32.	Bashir Ahmed Wani	—
33.	Satya Paul Galagotra	—
34.	Ali Mohammed Baig	—
35.	Ghulam Mohamad Bhat	—
36.	Mohamad Shaik	—
37.	Abdul Hameed Rathana	—
38.	P.N. Dhar	—

[No. S-38014/26/73-HI]

DALJIT SINGH, Under Secy.

S.O. 2506.—In exercise of the powers conferred by section 88 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the employees of the Indian Telephone Industries, Bangalore working in Srinagar Unit

